DOCUMENT RESUME

ED 068 190 PS 005 972

AUTHOR	Carlson, Rick J.
TITLE	Existing Day Care Legislation. Final Report: Part III.
INSTITUTION	Institute for Interdisciplinary Studies, Minneapolis, Minn.
SPONS AGENCY	Office of Economic Opportunity, Washington, D.C.
PUB DATE	Dec 71
NOTE	116p.
EDRS PRICE	MF-$0.65 HC-$6.58
DESCRIPTORS	Child Development; *Day Care Programs; *Disadvantaged Youth; Elementary School Students; Federal Aid; *Federal Legislation; *Financial Support; *Government Role; Legislation; Low Income Groups; Parent Participation; Preschool Children; Research; Technical Reports

ABSTRACT

Existing legislation applicable to day care programs is examined to discern what the Federal role has been. An overview of existing Federal legislation is given, and legislation is then analyzed as to its effect on the five components of the day care delivery system. These components are: (1) a product--the kind of day care program, (2) providers of that product--administrators, operators, educators, etc.; (3) consumers of the product--parents and children; (4) a medium of exchange between the providers and the consumers--means of financing the programs; and (5) regulation of the product and the means of financing by the public--the quality of the product and the terms and conditions of exchange. An appendix includes descriptions of all relevant legislative enactments affecting day care programs. (For related documents, see PS 005 969-971, 973-983.) (AL)

ED 068190

U. S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL OFFICE OF EDUCATION POSITION OR POLICY.

PREPARED BY:
Rick J. Carlson

of the

DAY CARE POLICY STUDIES GROUP
Institute for Interdisciplinary Studies
123 East Grant Street
Minneapolis, Minnesota 55403

December 1971

PS 005972

FINAL REPORT: PART III

EXISTING DAY CARE LEGISLATION

FILMED FROM BEST AVAILABLE COPY

Approved for
INSTITUTE FOR INTERDISCIPLINARY STUDIES

Seldon P. Todd

Seldon P. Todd,
Director

FOREWORD

This final report is submitted to the Office of Economic Opportunity by the Day Care Policy Studies Group in fulfillment of Contract B00-5121. This report presents the research undertaken by the Day Care Policy Studies Group and does not necessarily represent the policies or positions of the Office of Economic Opportunity.

The final report is presented in two sections; Part I Alternative Federal Day Care Strategies for the 1970's: Summary Report, and Parts II through X, supporting appendices to the summary report. The following separately bound volumes are included:

Parts:	I		Alternative Federal Day Care Strategies of the 1970's: Summary Report
	II	Volume 1	Child Care Programs: Estimation of Impacts and Evaluation of Alternative Federal Strategies
		Volume 2	Appendixes to Child Care Programs: Estimation of Impacts and Evaluation of Alternative Federal Strategies
		Volume 3	Measurements of Impacts of Child Care Programs
	III		Existing Day Care Legislation
	IV	Volume 1	Costs of Day Care
		Volume 2	Appendix to Costs of Day Care: Proceedings of a Workshop
	V		Challenges in Day Care Expansion
	VI		Public Opinion Toward Day Care
	VII		Types of Day Care and Parents' Preferences

VIII Future Trends Affecting Day Care and Preschool Education

IX Volume 1 Training Programs for Child Care Personnel

Volume 2 Appendix to Training Programs for Child Care Personnel

X Volume 1 Day Care: An Annotated Bibliography

Volume 2 Bibliography Supplement for September, October, and November 1971

Volume 3 Bibliography Supplement for December 1971

In addition to this final report and supporting technical appendixes, the Day Care Policy Studies Group has provided the following supporting documents to the Office of Economic Opportunity in fulfillment of this contract.

An Explication of Some Alternative Federal Day Care Strategies for the 70's

Potential Impacts from Child Care

Considerations in the Evaluation of Alternative Funding Mechanisms for Day Care Services

The Effect of Present and Proposed Tax Deductions for Child Care

Emerging Findings and Implications for the Implementation of the Day Care Provisions of H.R.1 and OEO R & D in Day Care

Pending Federal Legislation Pertaining to Day Care

Review of Pending Day Care Legislation

Benefit/Cost Analysis of Day Care Programs Under a Family Assistance Plan

The Public's Opinion of Day Care

Paraprofessionals in Day Care

Some Implications of the Provision of Day Care Services

Day Care: An Annotated Bibliography Monthly Supplements

Questions Relating to the Federal Role in Day Care (Unpublished)

Evidence of Interest by States and Local Governments in Implementing Day Care and Preschool Educational Programs (Unpublished)

C O N T E N T S

Page

SUMMARY OF FINDINGS

1. INTRODUCTION 3

2. OVERVIEW OF EXISTING LEGISLATION 6

3. THE PRODUCT. 9

4. THE PROVIDERS. 19

5. THE CONSUMERS. 25

6. FINANCING DAY CARE 31

7. REGULATION OF DAY CARE 35

NOTES 37

CONTENTS OF APPENDIX . . . . . A-i

APPENDIX. A-1

SUMMARY OF FINDINGS

The existing Federal legislation applicable to day care can be grouped into four major categories: enabling legislation which authorizes day care programs and provides funds for them; legislation providing supportive services to day care programs; legislation promulgated for other purposes but which incorporates day care provisions such as manpower training legislation; and legislation which is applicable to day care only by interpretation, such as the school hot-lunch program. These laws were examined to see what effect they had on day care. To facilitate this analysis day care was conceptualized as a delivery system which has the following components:

1. a product -- day care programs and supportive services;
2. providers of that product -- administrators, operators, educators, etc.;
3. consumers of the product -- parents and children;
4. a medium of exchange between providers and consumers -- means of financing the program; and
5. regulation of the product (and the means of financing) by the public -- the quality of the product and the terms and conditions of the exchange.

In general the analysis reveals that there is no cogent set of Federal objectives applicable to day care. Nevertheless, certain strategies -- intentional or otherwise -- emerge from existing day care legislation:

1. Day care is primarily conceived of as a supplemental service

provided to families where the parent(s) are away from the home for reasons specified in the legislation.

2. Legislation is directed mostly toward private nonprofit organizations as promoters of day care programs.
3. Emphasis is on provision of services to lower income families, despite the congeries of eligibility standards.
4. Supportive services provided for are minimal and not uniform, which evidences the lack of a systematic attack on the actual needs of day care programs, particularly the need for funds to construct facilities.
5. Financing mechanisms provide support on a project grant basis, and few measures require accountability.
6. Regulation is based on controls over personnel and facilities as distinguished from emphasis on market mechanisms and outcome measures.

In sum then, Federal legislation is episodic and lacks a synthesizing legislative program pulling together the pieces. Administration of day care programs is fragmented, since numerous bureaucracies at the Federal level claim prerogatives despite interagency requirements. Operation of the programs suffers because no systematic set of funding and supportive programs are available to facilitate innovation and sequential planning for day care programs.

1. INTRODUCTION

This paper, which describes and analyzes existing legislation applicable to day care programs,[1] is the first in a series explicating the Federal role in day care. Existing legislation is examined here to discern what the Federal role has been; future papers will discuss what alternative objectives are available for the Federal government in the future. Specifically, a later paper dealing with legislation will measure pending legislative proposals (including the Family Assistance Plan) against such alternative objectives. The analysis to follow is based upon the legislation (described in the Appendix) together with pertinent Federal regulations and guidelines. There are approximately 50 legislative enactments applicable to day care programs. There are 6 departments, approximately 18 Federal agencies and many divisions of those agencies conducting or supervising programs in the area. There are also numerous state and local agencies with responsibilities for day care.

Day care is a service. Unlike many services, however, a central conceptual issue which has not been resolved, is whether day care should be offered essentially as a custodial service for parents unable to provide supervision, or whether it should be an instrument for providing child-developmental services. An overview of day care legislation evidences this fundamental ambiguity. Resolution of this conceptual issue will determine the direction of Federal policy in day care. A coherent set of Federal objectives for day care must

derive from its resolution.

Estimates indicate that there are approximately 6 million children of working mothers under 6 years of age and 7 1/2 million between the ages of 6 and 11 years.[2] Current day care facilities can accommodate somewhat less than 500,000 children.[3] Many, but not all of these positions have been created by Federal legislation.

Because of the large number of legislative programs, a simple outline for analysis has been fashioned: since day care is a service provided through a delivery system, it was decided to examine legislation in light of its effect on the five components of the delivery system: (a) a product -- the kind of day care program; (b) providers of that product -- administrators, operators, educators, etc.; (c) consumers of the product -- parents and children; (d) a medium of exchange between the providers and the consumers -- means of financing the programs; and (e) regulation of the product and the means of financing by the public -- the quality of the product, and the terms and conditions of the exchange.

Many issues are raised throughout about the appropriate role for the Federal government in the provision of day care services. Few, if any, of these issues are thoroughly treated in this paper. Resolution of these issues was not the intent; however, future papers will undertake this task.

While this analysis revealed that there is no cogent set of Federal

objectives applicable to day care,[4] strategies, intentional or otherwise, appear to have been pursued at the Federal level through existing legislation:

1. Day care is conceived of primarily as a supplemental service for families whose parent(s) are away from the home for reasons specified in the legislation.
2. Private nonprofit organizations are seen as the major promoters of day care programs.
3. Provision of services to low-income families, despite a congeries of eligibility standards, is emphasized.
4. The minimal supportive services provided for evidence the lack of a systematic attack on the actual needs of day care programs, in particular needs for funds to construct facilities.
5. Financing mechanisms provide support on a project grant basis with few measures requiring accountability.
6. Regulation focuses on controls over personnel and facilities rather than emphasizing market mechanisms and outcome measures.

PS 005972

2. OVERVIEW OF EXISTING LEGISLATION

The Lanham Act, passed during World War II, was the first legislative effort in the day care field.[5] With the end of the war, appropriations were terminated. Not until 1962 was legislation again instrumental in creating day care programs. At that time, amendments to the Social Security Act established the Child Welfare Service (CWS). Its intent was "to assist the states to provide adequately for the care and protection of children whose parents are working, or otherwise absent from the home, or unable for other reasons to provide parental supervision."[6] The program continues.

In 1964 the Economic Opportunity Act was enacted, and in 1965, pursuant to authority granted in the act, the Head Start program was begun. Head Start continues to provide day care, but in a broad context of other services.

In 1967 another major piece of legislation was passed by amendment to the Economic Opportunity Act. This amendment directed that coordination be secured among Federal initiatives and among Federal, state, and local programs. The Federal Interagency Day Care Requirements were adopted as a result.[7] Very generally, the standards require: provision of a full range of services including social, educational, and health; parental participation; and opportunity for employment of poor people. Adherence to these standards is designed to introduce coordination, and it has, but problems remain. The lever to mandate coordination

and compliance with the standards is Federal funding under major Federal day care enabling legislation.

Also passed in 1967 were sweeping amendments to the Social Security Act which had profound implications for day care programs. This legislation foreshadowed the pending Family Assistance Plan (FAP) child care provisions (to be discussed in a subsequent paper). As with FAP, the 1967 amendments, insofar as day care was concerned, were shaped to facilitate reductions in welfare caseloads under the AFDC program. This was to be done by linking work requirements with providing day care facilities for those welfare recipients who were referred for employment, training, or special work projects.[8] Day care program costs and related services are reimbursable from Federal allotments at a current rate of 75 percent.

The chief difference between this program and Federal funding to the states under the 1962 Social Security legislation is that under the earlier program, child welfare services can be provided without meeting the eligibility conditions imposed under the later program.

In addition to the programs discussed above, other major legislative actions have directed the Office of Education and the Department of Labor to either provide support or authorize day care programs for beneficiaries of programs those agencies sponsor.[9] Many other Federal programs within and without those departments and agencies provide supportive services or conduct programs related to day care. All

legislation affecting day care is described in the Appendix, including these later programs.

3. THE PRODUCT

The possibilities of day care programs range from providing "custodial" care to supplying an enriched environment featuring optimal opportunities for child development. A decision regarding the desired product of day care services would accomplish more than any other guidance that is provided through legislation. In a very basic sense, resolution of this question may answer many others. If the government elects to support programs that emphasize child development, public demand may cause day care to evolve to the status of a service like health or education. If so, the government will likely be encouraged to provide the benefit more uniformly -- that is, not limit it to low-income families.

PROGRAM CONTENT

Before the promulgation of the Federal Interagency Day Care Requirements in 1968, little direction was provided in Federal legislation about the ingredients necessary to a day care program, with the possible exception of the Head Start program. For example, the Day Care Services program, authorized by 1967 amendments to the Social Security Act, Title IV (B), established grants-in-aid to state public welfare departments but did not require adherence to any explicit set of program content guidelines. The law required a state plan to have:

1. cooperative arrangements with the state health authority and the state agency primarily responsible for supervision of public schools;
2. a committee to advise the state public welfare agency on the general policy involved in the

provision of day care services under the plan;

3. safeguards to assure provision of day care only to those who need it;

4. priority to members of low-income or other groups which have the greatest relative need for such day care;

5. facilities (including private homes) which are licensed by the state;

6. arrangements for more effective involvement of the parents.[10]

The Head Start program requirements impose a similar minimum set of requirements for program content, including the requirement that comprehensive health, nutrition, education, social, and other services be provided.[11] There is a fair amount of literature on the degree of success of experimental child care programs such as Head Start.[12] There is, however, little in the legislation which would indicate that an enriched child development program is the objective of programs that are authorized under legislation lacking requirements for comprehensive services.

Another issue not resolved by current legislative directives is the appropriate situs for day care. The possibilities include in-home care, center care, or combinations of both. It may be appropriate to have all kinds, depending on the child, but existing legislation stakes out no position. The interagency requirements cover all common forms.

Few, if any, states require day care programs to meet program content standards. States have been content to establish licensing schemes and enforce health and safety regulations for day care facilities.

The Federal Interagency Day Care Requirements have had a significant impact on day care program content as well as on other aspects of day care administration. All day care programs in direct receipt of Federal funds must comply with the requirements. The standards are explicit, and a substantial number of provisions deal with program content.[13] They do not apply, however, when parents place their children in a day care program and the costs are paid by the Federal government through one of its programs.

PROGRAM FACILITIES AND STAFF

Facilities and staff are the two basic components, or the "capacity," of the day care industry. In general, how the Federal government perceives its objectives with respect to capacity will dictate the structure of the industry. If the industry is to remain largely public and eleemosynary in nature, the government may choose one of two methods of financing, either of which allows for increased capacity. It can appropriate direct governmental grants of necessary funds for facilities construction and manpower training programs. Or, if the government seeks to encourage the entry of the private sector, much of the requisite financing for facilities and staff can be generated by that sector if the Federal purchasing of day care

services is undertaken on terms assuring an adequate flow of funds to maintain growth.

Facilities. One of the most serious problems associated with day care is the lack of facilities. Only in a few limited instances does Federal law provide funding for improvements to day care facilities, and, with the exception of programs such as Samll Business Administration loan provisions and the Neighborhood Facilities program, established under the Housing and Urban Development Act of 1965, no support is provided for construction of facilities. None of the major day care enabling legislation addresses this problem and only Title IV (A) of the Social Security Act and Title V (B) of the Economic Opportunity Act provide funds for remodeling and renovating existing facilities.

The problem is compounded by the relative inflexibility of standards imposed on facilities by both Federal authorities -- through the Federal interagency requirements -- and state authorities -- through health and safety regulations.[14]

The only recent Federal initiative to provide facilities was in 1969, in amendments to the Economic Opportunity Act.[15] Through application of this legislation, Job Corps centers which were vacated with the termination of that program were made available for an array of service programs including day care. However, some requirements imposed limitations on use and others do not square with interagency requirements.

The condition is anomalous when contrasted with other publicly supported services. For example, Titles XVIII and XIX of the Social Security Act establishing Medicare and Medicaid include rather generous reimbursement mechanisms which facilitate construction of health care facilities.[16] Further, public monies commingled from Federal, state, and local sources finance educational complexes for public school education. One result is that children in kindergarten attend school in physical plants constructed with public funds while children a few months younger who are eligible for day care do not.[17]

Staff. Whether or not explicit requirements for staff composition are necessary is an open question. In any case, the legislation does not set definite standards. Again, the absence of clear objectives for program content leads to confusion about the type of staff required.

Part of the problem seems to be that day care is a relatively contemporary phenomenon in the United States. Questions such as, Is a certified public school teacher necessary? have not been thoroughly resolved. The Federal legislative activity mirrors this uncertainty.

An exception is the Federal Interagency Day Care Requirements, which are fairly explicit about staff requirements:

> Education activities must be under the supervision and direction of a staff member trained or experienced in child growth and development. The persons providing direct care for children in the facility must have had training or demonstrated ability in working with children. Provision must be made for social services

> which are under the supervision of a staff member trained or experienced in the field. Nonprofessionals must be used in productive roles to provide social services.[18]

Also, there has been a spate of legislation establishing training programs in the educational sciences including day care.[19] With these possible exceptions, there is little definitive guidance about what types of staff personnel are needed.

Three potential sources of staff -- parents, paraprofessionals, and manpower training recruits -- will probably receive increased attention in future legislation.

Parental Involvement. This issue has received mixed treatment in existing legislation. The interagency requirements state that "opportunities must be provided parents at times convenient to them to work with the program and, whenever possible, to observe their children in the day care facility."[20] Title IV (B) of the Social Security Act also requires parental participation,[21] as does the Head Start program.[22] However, Title V (B) programs under the Economic Opportunity Act[23] do not, nor is it a requirement for day care programs established under various job training programs sponsored by the Manpower Development and Training Act and the Economic Opportunity Act of 1964.

Even when mandated, parental participation does not necessarily have to be interpreted as requiring that the permanent staff must be augmented with parents. There is significant difference between parental involvement in policy-making and actual on-the-job staff work by parents.

The language in the statutes and interagency requirements is unclear about which kind of involvement is advocated.

Use of Paraprofessionals. Many of the programs authorizing day care allow for utilization of nonprofessionals.[24] It is not clear, however, whether this is because day care work is particularly amenable to paraprofessional involvement or because funds for day care staffing are so limited that utilization of professionals is precluded.

A collateral issue, but an important one nonetheless, is the lack of a clear indication in the legislation about opportunity for career progression by nonprofessionals. The interagency requirements, however, do mandate career progression.[25]

Relationship between Staff Needs and Manpower Training Programs. A partial list of manpower training programs that provide for training day care staff includes the Economic Opportunity Act (Vista - Title VIII, Sections 2991, et. seq.), the Higher Education Act of 1965 (Work Study Programs; Education Professions Development), and the Manpower Development and Training Act (New Careers, Operation Mainstream, Concentrated Employment program, etc.).

However, it should be noted upon reviewing the legislation authorizing training programs that despite the number of programs, none (with the exception of Child Welfare Research, Training, and Demonstration Projects under Title IV (B) of the Social Security Act) are designed to produce personnel primarily trained for the burgeoning day care field.

Also, little existing legislation elucidates precisely what types of staff personnel are required. Statements such as "persons providing direct care in the facility must have demonstrated ability in working with children"[26] are patently vague.

Finally, no legislative requirement attunes work training of the poor to expanding day care staffing needs. The notion has been expressed in the literature, but no explicit legislative direction has yet been given.

SUPPORTIVE PROGRAMS

Supportive services such as facilities construction grants, as noted above, are nonexistent, and funds for renovation are available but in small amounts. Training programs, on the other hand, are numerous. Other types of supportive programs available include educational program aids, supplies and equipment, health services, research and evaluation findings, business loans, surplus foodstuffs and commodities, nutritional information, special program supports for the handicapped, and so on.

What kinds of support are provided for day care programs depends on the mode of Federal financing chosen. Day care programs are linked with supportive services broader than day care only when funds are not sufficient to purchase those needed services. Whether a legislative package of supports is more desirable than providing sufficient funds through program financing is a question not resolved

in the current legislation.

What is apparent in the Federal legislation is that program supports are not systematically provided and, even if they are provided, are not easily attainable. Thus, program administrators and operators may encounter bureaucratic snarls in obtaining aid. For example, Title I programs under the Elementary and Secondary Act of 1965 apply to educationally deprived children living in low-income areas. Day care programs may enroll children from rich areas but may not locate physically within such areas. To cite another example, operators are directed in the interagency requirements to utilize Medicaid funds where a clear health need exists, but no instruction is given about what to do when the child's family has not undertaken to secure qualification for the program.

The lack of a systematic analysis of the supports needed for day care programs results in situations such as the following: foodstuffs and commodities available under the Child Nutrition Act of 1966 and the National School Lunch Act of 1945 are available only to day care programs operated as a part of public or qualifying private school systems. That the supportive programs are only haphazardly available demonstrates the lack of clear objectives regarding supportive services. Arguably, there is no sound rationale for providing foodstuffs to certain day care centers and excluding all others when no Federal policy has been enunciated to foster the growth of only that certain type of center.

4. THE PROVIDERS

Unlike the providers in the fields of health services and public education -- professionals whose composition has been determined largely by tradition (and by financing arrangements) -- the providers of day care are few and undifferentiated. Their composition can be affected, if not largely determined, by governmental action, particularly by choice of funding mechanism. How the government chooses to develop the capacity for day care will strongly influence who provides that capacity.

PROGRAM GRANTEES

For purposes of analysis, program grantees include administrators of the programs, e.g. state agencies, etc., and operators of programs. (Administrative grantees are enumerated in the Appendix according to the enabling legislation.) In large measure, grants are given either to state agencies, often public welfare agencies, or to other public or private nonprofit agencies.

The operating agencies eligible for Federal funds reflect the composition of administering agencies -- with very few exceptions agencies entitled to Federal assistance must be public or private, nonprofit in nature. Private for-profit enterprises have established day care programs, but existing legislation makes no provision for financial assistance to such programs.[27] Similarly, supportive programs largely are limited to public and private nonprofit organizations.

Contrary to other characteristics of Federal activity in the day care area which differ from traditional patterns of Federal support for services, such as health, exclusion of the private sector is consistent. Entry of private enterprise into the health, education, and day care fields has been resisted by professionals in those fields.[28]

INCENTIVES TO PROVIDERS

The demand for day care services outstrips the supply, yet there are few, if any, incentives to the private sector to establish day care services, and even traditional public and private nonprofit organizations must find the thin network of incentives unencouraging.

At the root of the problem is the fact that the overall flow of Federal funds available for day care has not been substantial enough to promote expansion of programs.[29] A strong argument can also be made that funds that have been provided have neither been calculated to stimulate growth of day care centers nor to ensure influx of private capital. The problem of the inadequate capacity of the industry has not been directly attacked.

Day care programs, whether or not private in nature, are similar to other operations in their need for start-up capital, facilities in which to operate, and adequate staffing. Federal funds have not been available for construction of facilities, nor have they been sufficient even to launch the number of programs needed. Shortages of qualified

personnel also persist.[30]

Opportunities to utilize legislative programs to meet these problems in some cases have either been lost or frustrated. The Tenant Services program authorized under the Housing and Urban Development Act of 1968, which could have provided funds, has been starved without appropriations, and $46 million of the $49 million appropriated in FY 1969 for the Day Care Services program under Title IV (B) of the Social Security Act was exhausted in erecting state administrative machinery.[31]

Interest guarantees or subvention of loans, and other financing support programs which have been utilized in other service industries, such as housing, have not been made available to day care programs. The flow of private capital to make up deficiencies in Federal funding has thus been stemmed.

ADMINISTRATIVE MECHANISMS

Added to the Federal departments, agencies, offices, and divisions having day care programmatic responsibilities (see Appendix) are miscellaneous state administrative agencies and often other state agencies applying state-bred regulatory mechanisms. This diffusion of focus of responsibility for day care programs complicates administration and must make it diffucult for day care program operators to determine what agencies to turn to for information.[32]

The Federal Interagency Day Care Requirements resulting from the work of the Federal Panel on Early Childhood and the broader Community Coordinated Child Care (4-C) program were designed to introduce coordination into the field.[33] Certain enabling acts have also declared that coordination should be achieved (see, for example, Title IV (B) of the Social Security Act, 42,05C Sec. 622). Despite the interagency requirements and other mandates, substantial administrative problems persist due chiefly to conflicting Federal, state, and local prerogatives.

Conceptual problems are also present. By definition day care is an admixture of services; it isn't easily contained by a single definitive service such as welfare or education. Administrative problems may arise from this lack of definition. If day care is thought of as educational in nature, then states may seek to assume the responsibility as they have historically; if conceived of as a compound of social welfare services, the Federal government, as the major partner in the financing of such services, should perhaps bear the burden. Existing day care legislation equivocates on the locus of administration both in terms of the Federal-state axis as well as within the Federal bureaucracy.

DISTRIBUTION OF PROVIDERS

Since day care has been provided largely to low-income families -- as a supportive service -- distributional questions, when addressed, have been resolved pragmatically in the legislation. Programs are

required to locate where the eligible populations reside. The kinds of knotty distribution problems rife in legal and health service systems will be faced only if day care is viewed as a type of service the government chooses to provide more uniformly.

No definitive information available on the actual geographic distribution of day care programs could be found. Much of the day care legislation, however, contains directives on the location of programs. Examples include:

1. the Day Care Services program under Title IV of the Social Security Act directing that funds be used in geographical areas where the greatest relative need exists;
2. Title I programs under the Elementary and Secondary Education Act of 1965 requiring establishment of programs in attendance areas having high concentrations of children from low-income families;
3. the Migrant Health Act of 1962 providing health services to children of migrant working families in day care programs; and
4. day care centers established as a result of diversion of funds to Model Cities areas authorized under the Demonstration Cities and Metropolitan Development Act of 1966.

Other major day care legislative programs do not contain express geographical restrictions but often are targeted for low-income areas, such as the Day Care Services program under Title IV (A) of the Social Security Act. Distribution cannot be said to be a severe problem because of both the size of the day care industry and its current focus. Whether problems will arise in the future will depend on the development of Federal objectives relating to distribution of facilities.

5. THE CONSUMERS

The Federal government is currently the largest single consumer of day care services. If the objectives for day care are not scaled to include segments of the population that have their own purchasing power, the government will likely remain the largest purchaser. If, however, day care is developed to serve the general population, a new configuration of consumers will result: it will comprise the government those whose eligibility is determined by governmental action, those who purchase day care directly without subsidization, and private third-party purchasers such as employers who purchase day care as a benefit for employees. Irrespective of who the consumers are, the opportunity for the government to influence the provision of day care services through its purchasing power is substantial.

ELIGIBILITY STANDARDS

The market for day care services in the broad sense embraces all families who desire to place children in a program. Estimates of need have been given. Theoretically the Federal government can undertake to provide services to all who want it, but programatically the Federal role must be circumscribed. To do this, Federal objectives must be ascertained.

Based upon existing legislation the government has enhanced the opportunity of those who wish to purchase day care. The legislation is largely designed to provide day care services to those without

economic resources.

Eligibility for day care has been determined in a number of ways. The various tests of eligibility include (with examples of enabling legislation in each case):

1. income (Title IV (A) Social Security Act (AFDC) and Head Start Title II (A) of the Economic Opportunity Act);
2. registration for manpower training programs (the mandatory provisions of Title IV (A) of the Social Security Act with respect to families participating in the WIN program);
3. place of residence (Title IV (B) of the Social Security Act, Day Care Services program and Day Care projects under the Model Cities provisions of the Demonstration Cities and Metropolitan Development Act of 1966);
4. determination of educational status (programs for the educationally disadvantaged under Title I of the Elementary and Secondary Education Act of 1965);
5. special provision for population groupings (Title III (B) of the Economic Opportunity Act providing day care services for migrant and seasonal farm workers; the Handicapped Children's Early Education Assistance Act 20 U.S.C. § 621 et. seq.);
6. age of the child (Section 71.11 (d) of the Federal Interagency Day Care Requirements).

Thus, there are various criteria for eligibility available to certain types of consumers. The unmistakable intent of the legislation, however, is to provide Federal support for day care largely to the poor and to do so either because of a perceived deficiency in those eligible for the program or because of a wish to facilitate placement of the parent(s) in a training or educational program requiring their absence from home.

ACCESS TO PROGRAMS

Naturally access to day care programs is a function of both supply and distribution. Since the supply is inadequate and distribution patterns unknown, access is considered to be of minimal importance in view of the numbers of families presumably desirous of day care services.

Access has two dimensions -- knowledge of and ability to get to the service. Knowledge can be further subdivided into objective knowledge of the existence of the service, knowledge of its availability, and the awareness of its utility. This break-down can be illustrated by reference to health services; objective knowledge of the existence of health facilities is widespread but under-utilization of health care services is thought to be due to ignorance of the other two factors.

Any set of program objectives for day care services should be developed with cognizance of all of the dimensions of the issue of access. None of the legislative programs applicable to day care contain provisions explicitly dealing with these dimensions. In practice, however,

administering welfare agencies provide information through casework services to potential day care families. Also, C.F.R. Title 45, Subtitle A § 71.17 (a) (5) to of the interagency requirements could be interpreted to require publication of program policies and procedures.[34]

Access in terms of physical proximity has been dealt with both obliquely and directly. Legislation limiting the location of programs to low-income neighborhoods secures some degree of access. More directly, however, interagency requirements include directives to agencies to consider access by potential recipients of services.[35]

THE CONSUMER ROLE IN PROVISION OF SERVICES

This element is discussed along two dimensions: first, consumer involvement in the formation of policy and in the actual provision of services; and second, the consumer role in the more traditional sense of the purchaser of a service.

There is a basic conceptual difference between day care services and other publicly-supported services that is relevant to determination of an appropriate role for the consumer. Day care tends to be viewed as surrogate service -- available to children when the parent(s) is not available to supervise them. This notion in part provides the distinction between formal education, which is an end in itself, and day care, which is often occasioned only by the socially acceptable absence of the parent(s). It also provides some of the logic for including parents in the formation of policy as well as in day-to-day program operations.

The principal legislative day care programs contain explicit requirements for parental participation (see, for example, Title IV (B) of the Social Security Act [36] and Title II (A) of the Economic Opportunity Act (Head Start program)[37]). Further, Section 71.18 of the interagency requirements contains the following provisions:

(a) Opportunities must be provided parents at times convenient to them to work with the program and, whenever possible, to observe their children in the day care facility.

(b) Parents must have the opportunity to become involved themselves in the making of decisions concerning the nature and operation of the day care facility.

(c) Whenever an agency (i.e., an operating or an administering agency) provides day care for 40 or more children, there must be a policy advisory committee or its equivalent at the administrative level where most decisions are made; i.e. that level where decisions are made on the kinds of programs to be operated, the hiring of staff, the budgeting of funds, and the submission of applications of funding agencies. The committee memberships should include not less than 50 percent parents or parent representatives, selected by the parents themselves in a democratic fashion. Other members should include representatives, selected by the parents themselves in a democratic fashion. Other members should include representatives of professional organizations or individuals who have particular knowledge or skills in children's and family programs.

(d) Policy advisory committees (the structure of which will vary depending upon the administering agencies and facilities involved) must perform productive functions, including but not limited to:

(1) assisting in the development of the programs and approving applications for funding.

(2) participating in the nomination and selection of the program director at the operating and/or administering level.

(3) advising on the recruitment and selection of staff and volunteers.

(4) initiating suggestions and ideas for program improvements.

(5) serving as a channel for hearing complaints on the program.

(6) assisting in organizing activities for parents.

(7) assuming a degree of responsibility for communicating with parents and encouraging their participation in the program.[38]

There are enabling acts for day care which do not contain explicit provisions for parental participation. Nevertheless, the concept seems well established, primarily because of the interagency requirements. Precisely what parents are supposed to do while participating is less clear. Further development of objectives for day care programs should clarify the appropriate role for parents as consumers. It should also be noted that if the private market for day care develops further without Federal funding, the resulting inapplicability of intragency requirements leaves open the question of whether there will be parental participation in such programs. If a dual system of day care is to be avoided, uniform regulations in this area need to be considered.[39]

Under present conditions, the impact of the consumer in day care is felt largely in terms of parental participation in policy and procedure formation. The exceptions, of course, are the families purchasing care directly or through third-party mechanisms such as labor-union negotiated day care programs.[40]

6. FINANCING DAY CARE

Any set of Federal objectives for day care can be manifested through the choice of funding mechanisms. How the funds are provided will determine the type and mix of providers and, along with the gross amount of funds made available, also determine the rapidity of the industry's growth. Selection of certain mechanisms will then ineluctably determine the overall capacity of the industry and in turn constrain resolution of the issue of program content: if programs of child development services are to be fostered, the capacity of the industry must be sufficient to meet the swelling demand which will result from such a decision.

FUNDING MECHANISMS UNDER EXISTING LAW

Federal funds, distinct from other tangible supports such as surplus commodities, are available for the following major purposes (and from the following legislative programs):

1. direct and exclusive provision of day care programs, including programs for selected groups of children (Title IV (A) of the Social Security Act (AFDC); Title V (B) of the Economic Opportunity Act (Day Care Projects); (i) the Handicapped Children's Early Education Assistance Act 20 U.S.C. § 621 et. seq.; Mental Retardation Facilities Construction Act of 1963, 42 U.S.C. CS 2661 et. seq.);

2. establishment of comprehensive service programs where day care facilities may be one of a series of services available (Title I of the Demonstration Cities and Metropolitan Development Act of 1966 (Model Cities); Title II (A) of the Economic Opportunity Act (Head Start));
3. as part of loan programs (Small Business Act of 1953; Economic Opportunity Act, Title IV § 2901 et. seq. (Economic Opportunity Loans); Section 2 of the United States Housing Act of 1937).

The funding mechanisms themselves are uniform. Either funds are given to the state by bloc method, as under Title IV (A) and IV (B) of the Social Security Act, or funds are granted directly to a public or private nonprofit agency, as in the case of the Head Start program and day care projects under Title V (B) of the Economic Opportunity Act.

Other means of financing day care programs, in addition to use of Federal resources, include direct consumer financial support and private third-party mechanisms, such as funds paid by employers as a result of labor-negotiated plans or unilateral provision of programs by employers for children of employees.[41]

ALTERNATE MECHANISMS

The types of financing delineated in existing Federal legislation are few and narrowly conceived. In developing objectives for Federal day care policy, consideration could be given to funding mechanisms used or proposed for other Federal services programs. A partial list would include:

1. vendor payment systems (including voucher schemes);
2. facilities construction grants and loans;
3. interest and loan subvention plans and other Federal financing guarantee schemes; and
4. favorable tax treatment for private investment in day care programs.

7. REGULATION OF DAY CARE

Once Federal decisions have been made about the capacity of the day care industry, its structure, and choice of financing mechanisms, the government must consider how to regulate the industry. If the industry is to be given latitude to make many of its own decisions about structure and growth, a new set of regulatory mechanisms will be needed. If current strategies are to be followed, present regulatory mechanisms should be examined to determine their effectiveness.

AREAS TO BE REGULATED

Many of the issues relevant to regulation have been discussed in prior sections of this paper, and so will only be briefly reiterated in this section.

Quality of Programs. As observed earlier in this paper, existing enabling legislation includes some general references to program standards, but the bulk of the standards are included in the interagency requirements, which are very explicit on some issues.

As for state regulation, little, if any, exists affecting the substantive content of day care programs. Many private organizations, however, such as the Day Care and Child Development Council of America, Inc., have promulgated informal guidelines on program content. These, of course, do not have the force of law.

Staff and Facilities. Certain legislative enactments contain directives, framed in very general language, on staff and facilities requirements. Again, the interagency requirements include the bulk of the standards, such as, for example, establishing fixed ratios of staff to the number of children, by age groups.[42]

At present, states exercise regulatory authority principally to establish standards for facilities construction and use. Licensing of program operators and personnel is also growing.

Distribution of Services. Controls over distribution are only indirectly applied at the Federal level: certain legislative programs place limits on the location of programs as a condition for receipt of Federal funds. Beyond this, the only other controls are zoning restrictions imposed by local governments.

PATTERNS OF REGULATION

The pattern of regulation emerging for day care is similar to the regulatory schemes applicable to both health and educational services. Emphasis is on licensure of personnel and on the construction, nature, and use of facilities. Beyond this, the interagency requirements detail staff-to-child ratios and provide explicit operational guidelines.

This rudimentary regulatory scheme is a product of existing legislation and applicable regulations. If day care, however, is conceptualized more generically as one of the human services, then on this conceptual

plane at least four regulatory mechanisms other than those embraced in current legislation must be taken into consideration in developing Federal objectives for future day care services. (In all four instances utilization of one mechanism may trigger the need for different controls.)

1. If a Federal objective is to stimulate growth of the day care industry, including the private sector, gaps in service will gradually disappear and the possibility for competition develop. If competition is deemed to be an objective, at least two mechanisms to encourage it should be reviewed: first, a vendor-payment system, which would permit choice by consumers and create the conditions for competition; and second, public disclosure requirements, since choice presupposes knowledge.
2. Although what the output of day care is defined to be is problematic, consideration should be addressed to measuring it as an alternative means of controlling the quality of programs. For example, regarding health care, regulating the quality of care may be more effectively accomplished by measuring the outcome of health care services rather than prescribing intricate formulas for how the service is to be rendered. Technology has much to offer in developing these kinds of outcome meausres.

3. Existing legislation expressly allows imposition of state regulations over Federal standards. Evidence exists that such state laws, which are more stringent than Federal regulations, may impede the growth of day care programs. If the government adopts the objective of fostering the growth of day care, the question of what to do with inconsistent state laws will arise. Uniform standards may have to be considered if Federal involvement in the day care field increases.

4. The private sector is becoming increasingly involved in providing day care programs. If this trend continues, and emphatically so if the Federal government chooses to accelerate the trend by offering incentives, special mechanisms may have to be applied to privately operated programs. Such mechanisms would be needed to ensure sufficient funds to guarantee growth and expansion, and to curb any abuse that may arise.

N O T E S

1. As an aid to determining which legislation was relevant to day care, the following definition of day care services was taken from the Federal Interagency Day Care Requirements :

   DAY CARE SERVICES -- comprehensive and coordinated sets of activities providing direct care and protection of infants, preschool and school-age children outside of their own homes during a portion of a 24-hour day. Comprehensive services include, but are not limited to, education, social, health, and nutritional services and parent participation. Such services require provision of supporting activities including administration, coordination, admissions, training, and evaluation.

2. Statement given by Barbara C. Coughlan, Deputy Regional Commissioner, HEW, at a public hearing on day care held by the State of California's Advisory Committee on the Status of Women and the Senate and Assembly Committees on Social Welfare of the California Legislature, November 1968.

3. Community Coordinated Child Care Manual (4-C) (Day Care and Child Development Council of America, Inc., 1969), p. ii.

4. It must be acknowledged that the Federal Interagency Day Care Requirements are extremely instrumental in establishing coordination. See footnote 7.

5. The Lanham Act, 42 U.S.C. Sec. 1521 et. seq.

6. See Social Security Act of 1935, as amended, 42 U.S.C. Sec. 727 (repealed) by P.L. 89-97, 79 Stat. 286, Social Security Amendments of 1965 and 42 U.S.C. Sec. 723 (repealed by P.L. 90-240, 81 Stat. 821, Social Security Amendments of 1967).

7. Economic Opportunity Act of 1964, as amended, 42 U.S.C. Sec. 2932. The Federal Interagency Day Care Requirements are found in 45 C.F.R. Sec. 71 (1969).

8. Social Security Act of 1935, as amended, 42 U.S.C. Sec. 602 (a) 14-15, 630-644.

9. See, e.g., Economic Opportunity Act of 1964, as amended, 42 U.S.C. Sec. 2740 (a)(6).

10. Social Security Act of 1935, as amended, 42 U.S.C. Sec. 622 (a). The section also establishes procedures for setting up a statewide day care program but does not directly deal with the program content. Other legislation includes references to "health" and "nutrition" needs, etc., but such references do not explicitly establish program content standards. See, e.g., Title V (B) of the Economic Opportunity Act.

11. Economic Opportunity Act of 1964, as amended, 42 U.S.C. Sec. 2809.

12. See Williams and Evans, "The Politics of Evaluation: The Case of Head Start," The Annals, September 1969.

13. Federal Interagency Day Care Requirements, 45 C.F.R. 71 (1969). The requirements specify which Federal enactments providing potential funding are covered. See the description of the requirements in the Appendix.

14. See Federal Interagency Day Care Requirements, 45 C.F.R. 71 Sec. 71.13.

15. Economic Opportunity Act of 1964, as amended, 42 U.S.C., as amended by P.L. 91-177 (1969).

16. See also Hill-Burton Act, as amended, 42 U.S.C. Sec. 291 et. seq., which provides health facilities construction money.

17. The analogy to public education raises a significant issue -- the Federal funding share for public school education is roughly 7%. Federal day care support is at a much higher level. If day care is to be harmonized with public school education, this funding disparity may have to either be rationalized or reduced.

18. Federal Interagency Day Care Requirements, 45 C.F.R. Sec. 71.14 (1969).

19. See, e.g., Economic Opportunity Act of 1964, as amended, 42 U.S.C. Sec. 2769 (a)(1) (New Careers).

20. Federal Interagency Day Care Requirements, 45 C.F.R. Sec. 17.18 (1969).

21. Social Security Act of 1935, as amended, 42 U.S.C. 622 (a)(c) (vi).

22. Economic Opportunity Act of 1964, as amended, 42 U.S.C. Sec. 2809 (a)(1)(b).

23. Economic Opportunity Act of 1964, as amended, 42 U.S.C. Sec. 2931-3.

24. See Federal Interagency Day Care Requirements, 45 C.F.R. 71, Sec. 71.17 (1969).

25. See note 18.

26. See Federal Interagency Day Care Requirements, 45 C.F.R. Sec. 71.14 (c) (1969). An exception is the Head Start program which does give more specific criteria in its manual for the selection of staff. See Head Start Child Development Program: A Manual of Policies and Instructions (OEO, Community Action Program, September 1961), pp. 13-16.

27. Examples of privately operated programs are Amalgamated Clothing Workers of America Day Care Centers, The Child Development Center, Inc., Twin Cities Area Child Care Center.

28. It should be noted that the trend may be reversing. Private for-profit organizations have entered the educational field, and in health care, H.R. 17550 contains provisions permitting private for-profit "health maintenance organizations" to offer health care services.

29. U.S.,Congress, House, Committee on Ways and Means, Social Security and Welfare Proposals, 91st. Cong., 1st sess. 1969, p. 1284,

30. Ibid., p. 1125.

31. Ibid., pp. 288-293.

32. An illustration of administrative difficulties is drawn from the Congressional Record relating to the 1967 amendments to the Economic Opportunity Act:

> We must remember the very difficult coordination problem that exists when, for example, a Head Start program is put underway in, let us say, a Pennsylvania community, or in any State in the Union. Theoretically, the Head Start program is under the jurisdiction of the local community action program. This means that the community action agency has to get an authorization for funding out of Washington.
>
> That application has to go first to the regional office of OEO. Then it goes to the top office for approval, except to the extent -- and this is becoming more and more the case -- where authority has been decentralized, under very strict guidelines,

to the regional office to make the decision, subject to the right of appeal.

Having gotten the money, then the local community action agency has to go to the local school board and hope to find it sufficiently cooperative, as in many instances it is not, so that it will provide classroom space and teachers to take on the Head Start project. And when the local school board either cannot or will not cooperate, then, as I have seen with my own eyes in places in Mississippi and elsewhere, the community action agency has to find some public-spirited citizen or citizens who will find some shack or some abandoned dwelling, or frequently make available their own dwelling, where the program can be conducted and also has to find the individuals adequately qualified -- and it does not take a trained psychiatrist to run a Head Start program -- to take care of the kids.

But this is only a part of it because one of the great benefits of the Head Start program is the involvement of parents in this work. Many of these children come from the homes of illiterate parents. In many of these homes there has never been a book. In many of these homes there is only the most rudimentary understanding of measures of public health and sanitation. So the coordination of a program like this is a very difficult one.

Congressional Record, September 22, 1967, pp. 26543

33. See Community Coordinated Child Care Manual (4-C) (Day Care and Child Development Council of America, Inc., 1969), section 1.2.

34. Federal Interagency Day Care Requirements, 45 C.F.R. Sec. 71.13 (a) (1969).

35. Federal Interagency Day Care Requirements, 45 C.F.R. Sec. 71.18 (1969).

36. See Social Security Act, Title IV (b), as amended, 42 U.S.C. Secs. 620-6 (1967).

37. See Economic Opportunity Act, Title II (A), 42 U.S.C. Secs. 2701-2994 (1964), as amended, 42 U.S.C. Sec. 2809 (1967).

38. Federal Interagency Day Care Requirements, 45 C.F.R. Sec. 71.18.

39. Of course, where the consumers pay the full price for the service, they possess an acknowledged market influence on the conduct of the program. See Title V (B), Day Care Projects, Economic Opportunity Act, 42 U.S.C. Secs. 2931-3.

40. See recently passed amendment to Sec. 302(c) of the Labor Management Relations Act of 1947 (P.L. 91-86), permitting employer contributions to trust funds to establish day care centers for dependents of employees.

41. Ibid.

42. Federal Interagency Day Care Requirements, 45 C.F.R. Sec. 71.3 (b).

CONTENTS OF APPENDIX

Note: Federal Interagency Day Care Requirements A-2

Social Security Act, Title IV (A) Aid to Families With Dependent Children) A-4

Economic Opportunity Act (Head Start and Follow Through) A-7

Economic Opportunity Act (Assistance to Migrants and Seasonal Farm Workers) A-10

Economic Opportunity Act (Day Care Projects) A-12

Manpower Development and Training Act
(New Careers)
(Operation Mainstream)
(Neighborhood Youth Corps)
(Concentrated Employment Program)
(Job Opportunities in the Business Sector)
(Manpower Development and Training Act)
(Special Impact Program) A-14

Elementary and Secondary Education Act of 1965
(Title I, ESEA)
(Title III, ESEA)
(Cooperative Research Act, Title IV, ESEA) A-18

Social Security Act (Child Welfare Services) A-20

Establishing the Council for Rural Affairs A-22

Economic Opportunity Act (Use of Closed Job Corps Centers) A-23

Vocational Education Act of 1963
(Consumer and Homemaking Education)
(Curriculum Development in Vocational and Technical Education) A-24

Handicapped Children's Early Education Assistance Act of 1968 (First Chance) A-25

Housing and Urban Development Act of 1968
(Rental Housing for Lower Income Families: Tenant Services) A-26

Juvenile Delinquency Prevention and Control Act of 1968
(Preventive Services, Title I (c))
(Training, Title II)
(Improved Techniques and Practices, Title III) A-27

Establishing the President's Council on Physical Fitness and Sports A-29

Economic Opportunity Act of 1964 (Research and Pilot Programs) A-30

Economic Opportunity Act (Special Impact Programs) A-31

Economic Opportunity Act (Economic Opportunity Loans) A-32

Providing for the Coordination of Youth Opportunity Programs A-33

Elementary and Secondary Education Act of 1965 (Education of the Handicapped) A-35

Elementary and Secondary Education Act of 1965
(ESEA Migrant Program) A-36

Demonstration Cities and Metropolitan Development Act of 1966
(Model Cities) A-37

Child Nutrition Act of 1966
(School Breakfast Program)
(Special Milk Program)
(Non-Food Assistance Program) A-39

Higher Education Act of 1965
(Work Study Programs)
(Education/Professions Development Program) A-40

Public Works and Economic Development Act of 1965
(Economic Development Loans) A-42

Housing and Urban Development Act of 1965
(Neighborhood Facilities) A-43

Health Services for Migratory Workers (Migrant Health) A-45

Social Security Act of 1965, Title XIX (Medicaid) A-46

Economic Opportunity Act of 1964 (VISTA) A-47

Civil Rights Act of 1964 (School Desegregation Technical Training and Assistance) A-48

Small Business Act of 1953 (Small Business Loans; Lease Guarantee Program) A-50

Mental Retardation Facilities Construction Act of 1963
(Mental Retardation University-Affiliated Facilities Construction) A-52

Mental Retardation Facilities and Community Mental Health Construction Act of 1963 (Grants for Teaching in the Education of the Handicapped) A-54

Indian Health Act A-56

Indian Education Programs
(Use of Federal Facilities for Indian Education)
(Johnson-O'Malley Program) A-58

National School Lunch Act
(National School Lunch Program)
(Special Food Service Program for Children - Vanik Program)
(Temporary Emergency Assistance to Provide Nutritious Meals to Needy Children in Schools Program) A-59

Public Health Service Act (National Mental Health Act) A-61

Public Health Service Act
(Research and Investigations, Title II, Part A)
(Institutes of Child Health and Human Development, Title III, Part E) A-62

Hatch Act of 1887 (The Cooperative State-Federal Research Program) A-64

Social Security Act of 1935
(Maternal and Child Health Services) A-65

Older Americans Act of 1965
(Programs for Older Americans) A-66

Internal Revenue Code
(Child Care Deduction) A-67

This Appendix includes descriptions of all relevant legislative enactments affecting day care programs. An effort has been made to reduce the substantial amount of information to include only that which supports the analysis presented in this paper.

All statutory texts were examined as well as the regulations and guidelines to the major legislation. Where information was not available or not searched, it is indicated.

It is hoped that the method used here to describe existing legislation will serve a twofold purpose: first, discussing disparate legislative enactments under the same criteria makes the material more digestible and facilitates comparing different pieces of legislation; second, none of the available compilations of legislation in the day care area organize the legislation in a manner conducive to analysis of their relationship to Federal objectives with respect to day care.*

*See Federal Funds for Day Care Projects, Wage and Labor Standards Administration, U.S. Department of Labor, Washington, D.C. (1969), and Social Security and Welfare Proposals, Hearings before the Committee on Ways and Means, U.S. House of Representatives, Washington, D.C. (1969), pp. 288-293.

NOTE: FEDERAL INTERAGENCY DAY CARE REQUIREMENTS, 45 C.F.R. Sec. 71 (1969)*

A. Scope and Purpose (Sec. 71.2)

1. The regulations are an attempt to coordinate day care programs operating with Federal funds under the following laws:

   a. Title IV of the Social Security Act: Part A, Aid to Families with Dependent Children; Part B, Child Welfare Services.

   b. Title I of the Economic Opportunity Act - Youth Programs.

   c. Title II of the Economic Opportunity Act - Urban and Rural Community Action Programs.

   d. Title III of the Economic Opportunity Act: Part B, Assistance for Migrant and Other Seasonally Employed Farmworkers and Their Families. (These Federal interagency requirements did not apply in full to migrant programs until July 1, 1969.)

   e. Title V of the Economic Opportunity Act: Part B, Day Care Projects.

   f. Manpower Development and Training Act.

   g. Title I of the Elementary and Secondary Education Act. (Programs funded under this title may be subject to these requirements at the discretion of the state and local education agencies administering these funds.)

2. The regulations cover all day care facilities which receive Federal funds under these acts, regardless of who operates them.

B. Types of Facilities (Sec. 71.10)

1. Family day care homes (small projects operated in a private home).

2. Group day care homes (larger groups in a modified family residence, usually for school-age children).

3. Day care centers.

*This regulation has been included because of its importance and relevance to a number of different statutes.

C. Standards

1. State (facilities be licensed or meet state welfare department standards). (Sec. 71.12)

2. Federal

a. environmental standards must be met with respect to: (Sec. 71.13)

(i) location

(ii) safety and sanitation

(iii) suitability of facilities

b. educational services must be provided (Sec. 71.14)

c. social services must be provided (Sec. 71.15)

d. health and nutrition services must be provided (Sec. 71.16)

e. all segments of the staff must receive orientation, continuous inservice training, and supervision (Sec. 71.17)

f. parents must be provided with opportunities for involvement with the day care facilities operation (Sec. 71.18)

g. certain procedures must be followed in the hiring of personnel and the operation of the facility (Sec. 71.19)

h. coordination with other agencies, facilities, and programs is required (Sec. 71.19)

D. Evaluation (Sec. 71.20)

1. Facilities must be periodically evaluated to see if they meet Federal standards.

2. Noncompliance will be a ground for suspension or termination of Federal funds.

I. GENERAL INFORMATION

A. Title of Legislation: SOCIAL SECURITY ACT, Title IV(A), as amended, 81 Stat. 897 (1967), 42 U.S.C. Secs. 601-10 (1967).

B. Programmatic Title: Aid to Families with Dependent Children (AFDC).

C. Date of Enactment: January 2, 1968.

D. Regulations and/or Guidelines Adopted: Service Programs for Families and Children: Title IV, Parts A and B of Social Security Act, 45 C.F.R. Sec. 220 (1969):

1) Requires a state plan which includes:

a) cooperative arrangements with state health and education agencies;

b) a state advisory committee on day care;

c) reasonable means of determining priority areas;

d) criteria for determining each child's needs;

e) a means for determining a family's ability to pay;

f) provisions for encouraging parental participation;

g) licensing or state standards.

2) allows both in-home and out-of-home programs.

E. References to Legislative Intent: The legislative history indicates that the prime motivation for Title IV(A) was to require certain AFDC recipients to join the work force. In order to allow adult members of AFDC families to leave the home for work or training, it was necessary to include a provision for day care services. (See, e.g., 113 Cong. Record 23054.)

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: The program provides aid and services to dependent children and their families. One optional type of aid or service is day care for any past, present, or potential AFDC recipient. This child day care plan may include an entire neighborhood that has a high incidence of poverty. The states can provide their

own day care services or can purchase them from other agencies or individuals, Sec. 606(d). Day care services must be provided for participants in the work incentive program (WIN). (The WIN program is an effort to get men, women, and out-of-school youth, age 16 or older, off the AFDC rolls and into employment. Participants are provided with education, on-the-job training, etc. In addition they are provided with supportive services -- such as day care for dependents -- to enable them to participate in WIN.) Sec. 602(a)(15), (19).

B. Eligible Grantees: Funds spent under this law are given to the administering state agency. Sec. 603(a).

C. Eligible Beneficiaries: Dependent children -- past, present, or potential -- and their parents or families with whom they live are eligible for the program. 42 U.S.C. Sec. 606 and 45 C.F.R. Sec. 220 (1969).

D. Number of Day Care Positions Created: Not specified.

E. Provision for Facilities: Federal funds may be used for minor remodeling, but not for renovation or construction of facilities.

F. Provision for Training Personnel: The state costs may include training of personnel employed by the state agency or by the local agency administering the state plan. This only includes training for personnel working on projects operated under the state plan. Sec. 602(a).

G. Provision for Parental Participation: Not specified (however, see the note on Federal Interagency Day Care Requirements).

H. Provision for Maintenance of Program Standards: The state must conduct such reviews of its plan "as may be necessary ... at least once a year to insure that it is being effectively implemented." Sec. 602(a)(15)(f).

III. ADMINISTRATIVE ARRANGEMENTS

A. Appropriations Authorized: The funds for the day care services come out of the AFDC funds. The law calls for "a sum sufficient to carry out the purposes." Sec. 601. It has been estimated that $160 million will be spent in fiscal year 1972. (113 Cong. Record 36314.) HEW estimated that $8.5 million was spent for day care services in 1968.

B. Agency Administering Program: The Social Rehabilitation Service of the Department of Health, Education, and Welfare (HEW). A single agency must be designated to operate the state plan.

C. Funding Mechanism: Bloc grants to the states are provided by the statute. The Federal share for supportive services is 75 percent. 42 U.S.C. 603 (a).

D. Provision for Research and Evaluation: Not specified. (However, research in this area could be conducted under Title XI of the Social Security Act. 42 U.S.C. Secs. 1310, 1315. See the note on the Federal Interagency Day Care Requirements.)

E. Provision for Coordinating Related Programs: Not specified. (However, see the note on Federal Interagency Day Care Requirements. See also following item.)

I. GENERAL INFORMATION

A. Title of Legislation: ECONOMIC OPPORTUNITY ACT, 42 U.S.C. Secs. 2701-2994 (1964), as amended, Title II(B), 42 U.S.C. Secs. 2808-2812 (1967).

B. Programmatic Title: Head Start and Follow Through.

C. Date of Enactment: * December 23, 1967

D. Regulations and/or Guidelines Adopted: See note on the Federal Interagency Day Care Requirements.

E. References to Legislative Intent: Head Start has been popular with Congress since its inception. Congress ordered a follow-up study to measure the program's long-range effectiveness and to decide on the proper agency to administer both Head Start and Follow Through. P.L. 90-576, Sec. 309, 82 Stat. 1098 There was considerable debate over whether or not it should remain with OEO or be transferred to the Office of Education, Department of Health, Education, and Welfare (HEW).

II. NATURE OF PROGRAMS AUTHORIZED

A. General Nature: Both programs -- Head Start for preschool children and Follow Through for school-age children who participated in Head Start earlier -- provide similar services. These services include health, nutritional, education, social, and related programs. Any program which operates more than six hours a day is considered a day care program. Such programs are available to children of families where employment or other factors make the family unavailable to the child. 42 U.S.C. Sec. 2809. In addition, training is provided for employees.

B. Eligible Grantees: Any local Community Action Agency (CAA) is eligible to receive grants or designate a recipient for these programs. If there is no local CAA, or if the local CAA gives its approval, any public or private nonprofit organization may receive funds. 42 U.S.C. Sec. 2808. The director may also grant funds on his own to public or private nonprofit agencies, but should coordinate these special programs with the local CAA. Follow Through is generally funded through local education agencies. 42 U.S.C. Sec. 2809. Follow Through has been limited to certain communities because of a shortage of funds.

*Actually Head Start and Follow Through programs were being conducted earlier by the Office of Economic Opportunity (OEO) under other statutory provisions. 80 Stat. 1462

C. Eligible Beneficiaries: The programs are open to children from low-income families. Children from other than low-income families may participate but are required to make appropriate payment. 42 U.S.C. Sec. 2809.

D. Geographic Restrictions on Location of Programs: Not specified.

E. Number of Day Care Positions Created: Not specified. (However, it is estimated that 450,000 children participated in summer programs and 213,000 in year-long programs in 1969.)

F. Provision for Facilities: Not specified. (However, see the note on Federal Interagency Day Care Requirements.)

G. Provision for Training Personnel: Funds may be allocated for training personnel, for research, and for technical assistance. 42 U.S.C. Sec. 2823.

H. Provision for Parental Participation: The statute provides for "direct parental participation of the parents . . . in the development, conduct, and overall program direction at the local level." 42 U.S.C. Sec. 2809 (a)(1)(B).

I. Provision for Maintaining Program Standards: Fiscal controls, directed at preserving assets, checking accuracy and reliability of accounting systems, and promoting efficiency are provided.

J. Appropriations Authorized: Head Start was appropriated $338 million for fiscal year 1970; Follow Through, $70 million. In addition both programs can receive funds from OEO's general appropriations. Economic Opportunity Amendments, 1969, P.L. 91-177, 83 Stat. 827, Sec. 102.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: The Office of Education, HEW, administers Follow Through. The Office of Child Development, HEW, administers Head Start. Funds for both come from OEO, however.

B. Funding Mechanism: Funds are granted directly to the CAA or other agency operating the program. The maximum Federal contribution is 80 percent of the cost, except in the very poor areas, as determined by regulations establishing objective criteria. 42 U.S.C. Sec. 2812.

C. Provision for Research and Evaluation: Not specified.

D. Provision for Coordination with Related Programs: The director is to see that Head Start and Follow Through programs are coordinated with other community action programs. 42 U.S.C. Secs. 2808-2809.

I. GENERAL INFORMATION

A. Title of Legislation: ECONOMIC OPPORTUNITY ACT, 42 U.S.C. 2701-2994 (1964), as amended, Title III (B) Secs. 2861-2864.

B. Programmatic Title: Assistance to Migrants and Seasonal Farm Workers.

C. Date of Enactment: August 20, 1964.

D. Regulations and/or Guidelines Adopted: See the note on Federal Interagency Day Care Requirements.

E. References to Legislative Intent: Not researched.

II. NATURE OF PROGRAMS AUTHORIZED

A. General Nature: The program is designed to assist migrant farm workers and their families in an effort to improve their living conditions and to help them develop skills necessary to improve their living conditions. 42 U.S.C. Sec. 2861.

B. Eligible Grantees: State and local agencies working with migrants are eligible for grants under the program. Private nonprofit institutions and cooperatives also qualify. 42 U.S.C. Sec. 2862.

C. Eligible Beneficiaries: Migrant and seasonal farmworkers and their families are the intended recipients of the services provided under this act. 42 U.S.C. Sec. 2861.

D. Geographic Restrictions on Location of Programs: Programs operated under this title would be limited to areas where migrants and seasonal farmworkers are employed.

E. Number of Day Care Positions Created: Not specified.

F. Provision for Facilities: Not specified. (However, see the note on the Federal Interagency Day Care Requirements.)

G. Provision for Training Personnel: The director of OEO may directly or indirectly provide personnel training and technical assistance. 42 U.S.C. Sec. 2864.

H. Provision for Parental Participation: Not specified. (However, see the note on the Federal Interagency Day Care Requirements.)

I. Provision for Maintaining Program Standards: The director of OEO is authorized to secure outside evaluation of projects under-

taken. 42 U.S.C. Sec. 2864.

J. Appropriations Authorized: All Title III (B) programs, including day care, were appropriated $34 million for fiscal year 1970. The amount going to day care projects was $1,400,000.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Office of Economic Opportunity (OEO).

B. Funding Mechanism: Direct grants to the administering agency, institution, or cooperative are authorized. 42 U.S.C. Sec. 2862. Services must be maintained at least at the administering body's prior level of assistance. 42 U.S.C. Sec. 2863.

C. Provision for Research and Evaluation: See II, I above.

D. Provision for Coordination with Related Programs: The programs are to be coordinated with other programs providing assistance to migrants. 42 U.S.C. Sec. 2863.

I. GENERAL INFORMATION

A. Title of Legislation: ECONOMIC OPPORTUNITY ACT, 42 U.S.C. Secs. 2701-2994 (1964), as amended, Title 42 V(B) U.S.C. Secs. 2931-2933.

B. Programmatic Title: Day Care Projects.

C. Date of Enactment: December 23, 1967.

D. Regulations and/or Guidelines Adopted: See note on the Federal Interagency Day Care Requirements.

E. References to Legislative Intent: When V(B) was enacted, minimal funds were appropriated for it. The question arose whether it should be part of Title II (the House bill) or a separate title (the Senate bill). The Senate version won. When more funds were appropriated, it was subject to the same "economy" cuts as other OEO programs (see, e.g. the House and Senate committee reports on the 1967 EOA amendments).

II. NATURE OF PROGRAMS AUTHORIZED

A. General Nature: Day care centers are to provide health, education, social, and other services. They are to provide child development services rather than purely custodial services.

B. Eligible Grantees: Public and private nonprofit agencies are eligible to receive grants under this program for planning, conducting, administering, and evaluating day care projects. In addition, assistance may be provided to employers, labor unions, or joint employer-union organizations for day care programs. 42 U.S.C. Sec. 2932 (see also 29 U.S.C. Sec. 186 (c)).

C. Eligible Beneficiaries: Programs should focus on children from low-income families or geographic areas with high concentrations of low-income families. 42 U.S.C. Sec. 2932. Special emphasis is to be placed on children whose parents or relatives undertake or continue basic education, vocational training, or gainful employment. 42 U.S.C. Sec. 2931. Non-low-income families may participate upon appropriate payment. 42 U.S.C. Sec. 2932 (b).

D. Geographic Restrictions on Location of Programs: Urban and rural areas with high concentrations of low-income families qualify for projects under this title.

E. Number of Day Care Positions Created: Not specified.

F. Provision for Facilities: Funds may be used for renovation and alteration of the facilities. 42 U.S.C. Sec. 2932.

G. Provision for Training Personnel: The director of OEO may provide the training necessary for initiation and effective operation of V(B) programs. This would allow training for personnel at projects operated under V(B), but would not allow general day care personnel training programs. 42 U.S.C. Sec. 2932.

H. Provision for Parental Participation: Not specified. (See, however, the note on the Federal Interagency Day Care Requirements.)

I. Provision for Maintaining Program Standards: Not specified. (See, however, the note on the Federal Interagency Day Care Requirements.)

J. Appropriations Authorized: For fiscal year 1971, $50 million was authorized. Economic Opportunity Amendments of 1969, P.L. 91-177, 83 Stat. 827, Sec. 102. However, no funds have ever been appropriated for Title V(B) programs.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Office of Economic Opportunity (OEO).

B. Funding Mechanism: Direct grants to administrating or operating agencies are authorized. The maximum Federal contribution is to be 90 percent of the cost. 42 U.S.C. Sec. 2932.

C. Provision for Research and Evaluation: Each project under this program is to provide "for a thorough evaluation." The evaluation is to determine the extent to which day care increased employment of parents of participating children, reduced the costs of assistance to the children, and provided them with health and education benefits, and the extent to which the program was coordinated with other day care activities. If the operating agency carries out the evaluation itself, 90 percent of the cost is paid for by the Federal government; otherwise, up to 100 percent is paid. 42 U.S.C. Sec. 2932.

D. Provision for Coordination with Related Programs: The director of OEO and the secretary of HEW are to coordinate all day care programs within their respective jurisdiction. 42 U.S.C. Sec. 2932. Assistance under this program may be used to supplement day care projects operated under the Social Security Act. 42 U.S.C. Sec. 2932. (Also see the note on the Federal Interagency Day Care Requirements.)

I. GENERAL INFORMATION

A. Title of Legislation: MANPOWER DEVELOPMENT AND TRAINING ACT (MDTA), 42 U.S.C. Secs. 2571-2620 (1962), as amended, and the ECONOMIC OPPORTUNITY ACT (EOA), 42 U.S.C. Secs. 2701-2994 (1964), as amended.

B. Programmatic Title: New Careers, Operation Mainstream, Neighborhood Youth Corps, Concentrated Employment Program, Job Opportunities in the Business Sector, Manpower Development and Training Act, Special Impact Program.

C. Date of Enactment: Dates vary according to particular program, however, the bulk of the MDTA legislation was enacted in 1962 and AEO amendments in 1967.

D. Regulations and/or Guidelines Adopted: See the note on the Federal Interagency Day Care Requirements. All these programs are subject to the note since they are administered under Title 1, MDTA.

E. References to Legislative Intent: The main reason for putting all of these programs under the Manpower Administration was to provide a coordinated approach to training, hiring, etc. (CEP was further evidence of this.) There was some objection to combining the OEO and manpower programs on the grounds that the Manpower Administration was not equipped to handle the support services generally required by the hard-core poor. (See, e.g. 112 Cong. Record 24121, 24452-5.) Day care services and day care personnel training are potentially a part of the hiring and training programs, but they are not the main reason for their existence. (See, e.g. U.S., Congress, House, Report of the House Education and Labor Committee on the Economic Opportunity Amendments, House Report 1568 (1966), pp. 19-22, 38-39.)

II. NATURE OF PROGRAMS AUTHORIZED

A. General Nature: There are a number of various job-training programs, some of OEO origin and others of MDTA origin. A 1966 EOA amendment placed responsibility for administering all of them in the hands of the Manpower Administration, Bureau of Work Training Programs (BWTP). 42 U.S.C. Secs. 2737-2749, 2951-2955. Some of the job-training programs provide for training day care personnel; others use day care as a supportive service for participants in other manpower programs. A few are designed to sponsor research and experimental and pilot projects. The programs created by this legislation include:

1. New Careers -- This OEO program is administered by the Manpower Administration which trains participants for jobs in needed fields, including day care. In addition, participants are provided with supportive services, including day care. 42 U.S.C. Secs. 2610(c), 2737-2749, 2769, and 2922.

2. Operation Mainstream -- This OEO Title II program is administered by the Manpower Administration to provide training and jobs for chronically unemployed adults. Job opportunities are usually of a public-works type, but training may be for day care. Support services may include day care for dependents of participants. 42 U.S.C. Secs. 2610(c), 2737-2749, 2769, and 2922.

3. Neighborhood Youth Corps -- Title I(B) of this OEO program provides on-the-job training and work experience to young people from 14 to 21 years of age. It may be summer work, part-time work and training for students, or full-time work and training for those no longer in school. One type of job could be a day care aide. Originally part of OEO, the program is now administered by the Manpower Administration. 42 U.S.C. Secs. 2610(c), 2737-2749, 2769, and 2922.

4. Concentrated Employment Program -- Title I(B) of EOA outlines a number of work and training programs for youth and adults. CEP provides for coordination of the manpower programs and a broad range of support services. The Manpower Administration is responsible for running this coordinated program. Training may be for day care personnel and support services may include day care. 42 U.S.C. Secs. 2610(c), 2737-2749, 2769, and 2922.

5. Job Opportunities in the Business Sector (JOBS) -- A MDTA program, this is designed to stimulate private industry's interest in training and hiring hard-core unemployed. Federal funds are used to offset added costs of training, counseling, education, supportive services, etc., for unemployed persons under 22 or over 45 years old. Supportive services may include day care. 42 U.S.C. Secs. 2571-2620, 2737-2769, and 2922.

6. Manpower Development and Training Act (MDTA) -- Titles I and II of the basic MDTA program are designed to offer a number of other programs involving education, training (including both classroom and on-the-job training),

research, and experimental and pilot programs. These could involve day care personnel. No support services are included with these programs. 42 U.S.C. Secs. 2571-2620.

7. Special Impact Program -- See separate section about this program in the Appendix.

B. Eligible Grantees: In order to participate in most of the programs, individuals must apply with the local sponsors funded by the Manpower Administration. Sponsors may include employers, labor organizations, etc. In addition, CAA's, private nonprofit agencies, and state and local manpower agencies sponsor many programs. 42 U.S.C. Secs. 2571-2620.

C. Eligible Beneficiaries: Eligibility depends upon the program; generally, however, youths, the poor, and chronically unemployed or technologically displaced adults are target groups.

D. Geographic Restrictions on Location of Programs: Not specified.

E. Number of Day Care Positions Created: Not specified.

F. Provision for Facilities: Generally not specified. Because of the nature of the programs, costs for facilities are probably not allowed. (See the note on the Federal Interagency Day Care Requirements.)

G. Provision for Training Personnel: All of the programs potentially include training day care personnel.

H. Provision for Parental Participation: Generally not specified. Because of the nature of the programs, parental participation is probably not a major goal. (See the note on the Federal Inter agency Day Care Requirements.)

I. Provision for Maintaining Program Standards: Varies with the program. (See the note on the Federal Interagency Day Care Requirements.)

J. Appropriations Authorized: Most of the OEO programs are included in the $890 million blanket appropriation for Title I of OEO's fiscal year 1970 appropriations. 1969 Economic Opportunity Act Amendments, Sec. 102. Usually the Federal contribution is 100 percent for MDTA programs and 90 percent for OEO programs.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: As indicated, the programs are all administered by the BWTP of the Manpower Administration. The secretary of labor, in conjunction with the secretary of HEW, is in charge of providing the support services for participants in the job and training program.

B. Funding Mechanism: Varies with the program (see II, B above). Generally project grants are used rather than bloc grants.

C. Provision for Research and Evaluation: The director of OEO is authorized to transfer funds to the secretary of HEW for use pursuant to a Social Security program for experimental pilot or demonstration projects. 42 U.S.C. Secs. 1115, 2922. The administrator of the BWTP reviews programs to see that participants meet the requirements of the various programs, that the projects do not result in the displacement of already employed workers, and that the success or failure of the program is monitored.

D. Provision for Coordination with Related Programs: The Manpower Administration is expected to coordinate these job and training programs. In addition CEP is an effort to coordinate jobs, training, and support services. 42 U.S.C. Secs. 2740, 2922. The funds may not be used to provide services such as day care to individuals and families who are receiving or are eligible to receive them under various titles of the Social Security Act. 42 U.S.C. Sec. 2922.

I. GENERAL INFORMATION

A. Title of Legislation: ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, (ESEA) TITLE I, P.L. 89-10, 79 Stat. 27, 20 U.S.C. Sec. 241; TITLE III, P.L. 89-10, 79 Stat. 39, 20 U.S.C. Sec. 841-848; TITLE IV, P.L. 89-10, 79 Stat. 44, 20 U.S.C. Sec. 331-337.

B. Programmatic Title: Title I, ESEA; Title III, ESEA; Cooperative Research Act (Title IV, ESEA).

C. Date of Enactment: Title I, April 11, 1965 (P.L. 89-10 redesignated and amended January 2, 1968, P.L. 90-247); Title III, April 11, 1965 (P.L. 89-10 amended November 3, 1966, P.L. 89-750; amended January 2, 1968, P.L. 90-247); Cooperative Research Act (Title IV, ESEA), April 11, 1965.

II. NATURE OF PROGRAMS AUTHORIZED

A. General Nature:

1. Title I deals with educationally deprived children in low-income areas. 20 U.S.C. Sec. 241 (a). It provides grants to states for allocation to three kinds of local education agencies: those elementary and secondary school with concentrations of children from low-income families (20 U.S.C. 241 c (a)(2)); state-operated institutions for neglected or delinquent children (20 U.S.C. Sec. 241 c (a)(7)); and state-operated or state-supported schools for the handicapped (20 U.S.C. Sec. 241 (c)(a)(5)).

2. Title III authorizes grants for supplementary educational centers and to local school districts to seek creative solutions to their educational problems. 20 U.S.C. Sec. 841 (a).

3. The Cooperative Research Act (Title IV, ESEA) authorizes grants to colleges and universities for research, surveys, and demonstrations in education, and for the dissemination of information derived from educational research. 20 U.S.C. 331 a (a) (1).

B. Nature of Application to Day Care: Title I funds may be used to add educational components to day care centers already established in low-income areas. The educational centers and services authorized under Title II could be used as day care educational facilities. Under the Cooperative Research Act (Title IV, ESEA) research and demonstration projects in early childhood education and day care educational services are feasible.

C. Nature of Support to Day Care: Financial grants are available.

D. Conditions of Support to Day Care: Assurances that expenditures will be made prudently are required of all ESEA grant recipients. See, e.g. 20 U.S.C. 241 f, 844 (a), 20 U.S.C. 844 (a). There are no conditions exclusively applicable to day care.

E. Levels of Support to Day Care: In fiscal year 1970, $58 million was appropriated for ESEA preschool and kindergarten programs; another $58 million was appropriated for state schools for the handicapped; and $4.7 million for cooperative research.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Programs: Office of Education of HEW in conjunction with state agencies, universities, and local school boards.

B. Provision for Coordination with Day Care Programs and/or Agencies: ESEA contains provisions for coordination with other programs, presumably including day care. For example, each applicant for a grant under Title I must demonstrate knowledge of and coordination with other similar programs and their administering agencies. 45 C.F.R. Sec. 116.24.

I. GENERAL INFORMATION

A. Title of Legislation: SOCIAL SECURITY ACT, as amended, 81 Stat. 879 (1935), Title IV (B). 42 U.S.C. Secs. 620-626 (1967).

B. Programmatic Title: Child Welfare Services.

C. Date of Enactment: January 2, 1968.

D. Regulations and/or Guidelines Adopted: See the note on the Federal Interagency Day Care Requirements.

E. References to Legislative Intent: According to the Congressional Record there was very little discussion of day care services in the debate over IV (B). It is one of several services mentioned, and it was mentioned occasionally in summaries of the bill, but the subject never generated much controversy.

II. NATURE OF PROGRAMS AUTHORIZED

A. General Nature: The law provides for a state plan to provide a broad range of child welfare services in all areas of the state; one specific service that is mentioned is day care. 42 U.S.C. Sec. 622 (a)(1)(C).

B. Eligible Grantees: State welfare agencies are eligible for bloc grants under the program (the state plan must be approved by HEW first, however). State agencies may contract with local agencies to administer projects. 42 U.S.C. Sec. 621.

C. Eligible Beneficiaries: Children in need of day care services are eligible for them. Priority must go to "low-income" or other needy groups and to geographical areas of greatest need. 42 U.S.C. Sec. 622 (a)(1)(C)(iv).

D. Geographic Restrictions on Location of Programs: See II, C above.

E. Number of Day Care Positions Created: Not specified.

F. Provision for Facilities: Not specified.

G. Provision for Training Personnel: The law provides for general training programs for some child-welfare services personnel. 42 U.S.C. Sec. 626.

H. Provision for Parental Participation: The state is expected to formulate and implement plans for parental participation. 42 U.S.C. Sec. 622 (a)(1)(C)(vi).

I. Provision for Maintaining Program Standards: Not specified. (See, however, the note on the Federal Interagency Day Care Requirements.)

J. Appropriations Authorized: The appropriation for all types of child welfare services is $110 million in fiscal year 1970. 42 U.S.C. Sec. 620. The amount allocated to day care was about $7.2 million with another $2.7 million being provided for demonstration projects.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Programs: The Social and Rehabilitation Service of HEW administers the program. A single state agency must be designated to administer the state's plan.

B. Funding Mechanism: Bloc grants to the states are the method of funding. The maximum Federal share is 66 2/3 percent. 42 U.S.C. Sec. 621, 623.

C. Provision for Research and Evaluation: Funds are provided for research and evaluation. They are available to public and private nonprofit institutions of higher learning and agencies engaged in research on child welfare. 42 U.S.C. Sec. 626. Additional research funds would be available under a general social research program. 42 U.S.C. Sec. 1310.

D. Provision for Coordination with Related Programs: Child-welfare service programs are to be coordinated with Aid to Families with Dependent Children (AFDC) programs and with other state agencies. 42 U.S.C. Sec. 622.

I. GENERAL INFORMATION

A. Title of Legislation: COUNCIL FOR RURAL AFFAIRS, established by Executive Order No. 11493, 1969 U.S.C.C. A.N. 2960, 34 F.R. p. 18289 (1969).

B. Programmatic Title: None.

C. Date of Enactment: November 15, 1969.

II. NATURE OF PROGRAMS AUTHORIZED

A. General Nature: The Council of Rural Affairs is designed to gather information concerning the problems of rural America and to develop means to deal with them by using available programs or by initiating new ones. Exec. Order No. 11493 (1969), Sec. 1, 2.

B. Nature of Application to Day Care: The provisions of this executive order are applicable to day care in that they deal generally with all the problems of rural America, among which are the educational, social, health, and nutritional needs of children living in rural areas. Furthermore, the order authorizes continuation and initiation of new Federal programs in rural areas, which might include day care services and facilities. Exec. Order No. 11493 (1969), Sec. 2(2).

C. Nature of Support to Day Care: Support is administrative and clerical. Exec. Order No. 11493 (1969), Secs. 2, 2.

D. Conditions of Support to Day Care: There are none.

E. Levels of Support to Day Care: Not specified.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: The program is administered by the departments represented on the Council for Rural Affairs. They include the departments of Agriculture, Interior, Commerce, Health, Education and Welfare, Housing and Urban Development, and Labor. Exec. Order No. 11493 (1969), Secs. 1(c), 3.

B. Provisions for Coordination with Day Care Programs and/or Agencies:

The order states there shall be "effective use and coordination of Federal programs in the non-metropolitan areas in order to improve the delivery of public services to the people." Exec. Order No. 11493 (1969), Sec. 2(3).

I. GENERAL INFORMATION

A. Title of Legislation: ECONOMIC OPPORTUNITY ACT, 42 U.S.C. Secs. 2701-2994 (1964), as amended, P.L. 91-177, 83 Stat. 827, 42 U.S.C. Sec. 2704 (1969).

B. Programmatic Title: Use of Closed Job Corps Centers.

C. Date of Enactment: December 30, 1969.

II. NATURE OF PROGRAMS AUTHORIZED

A. General Nature: This section provides for making use of the facilities of Job Corps Centers that are no longer open. 42 U.S.C. Sec. 2704.

B. Nature of Application to Day Care: The closed Job Corps Centers are to be made available to state and Federal agencies, and to other public or private groups. Emphasis is on using them to provide summer youth programs, vocational and other education-personnel training programs, cultural enrichment programs, special remedial programs, etc. Thus, these centers could conceivably be used either as training centers for day care personnel or as facilities for day care programs. 42 U.S.C. Sec. 2704.

C. Nature of Support to Day Care: The support would be provided if centers are used for personnel training or as day care centers.

D. Conditions of Support to Day Care: Emphasis is placed on certain types of uses of the centers. (See II, B above.) 42 U.S.C. Sec. 2704.

E. Levels of Support to Day Care: The degree to which these centers are used depends on where the closed Job Corps Centers are located.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Programs: Office of Economic Opportunity (OEO). (Also, see III, B below.)

B. Provision for Coordination with Day Care Programs and/or Agencies: The director of OEO is to work with the General Services Administration and with the secretaries of the Departments of Interior, Agriculture, and HEW. 42 U.S.C. Sec. 2704.

I. GENERAL INFORMATION

A. Title of Legislation: VOCATIONAL EDUCATION ACT OF 1963, 20 U.S.C. Secs. 1341, 1391.

B. Programmatic Title: Consumer and Homemaking Education, and Curriculum Development in Vocational and Technical Education.

C. Date of Enactment: October 16, 1968.

II. NATURE OF PROGRAMS AUTHORIZED

A. General Nature: The consumer and homemaking education section authorizes grants to state boards of education for vocational education programs in occupations involving knowledge and skills in home economics. 20 U.S.C. Sec. 1341. The curriculum development section authorizes allotments to states for research, experimental programs, demonstration projects, and development of new vocational curricula and new careers and occupations. 20 U.S.C. Sec. 1391.

B. Nature of Application to Day Care: The Consumer and Homemaking Education program may include the training of aides and assistants at day care centers. New careers and occupations in such fields as child care may be developed under the Curriculum Development in Vocational and Technical Education program.

C. Nature of Support to Day Care: Occupational training and financial grants are authorized, although no grants are specifically allotted to day care.

D. Conditions of Support to Day Care: Not specified.

E. Levels of Support to Day Care: No information available.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Office of Education, HEW.

B. Provision for Coordination with Day Care Programs and/or Agencies: None.

I. GENERAL INFORMATION

A. Title of Legislation: HANDICAPPED CHILDREN'S EARLY EDUCATION ASSISTANCE ACT OF 1968, P.L. 90-538, 1968, 20 U.S.C. Secs. 621-624.

B. Programmatic Title: First Chance.

C. Date of Enactment: September 30, 1968.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: Authorization is given for grants to be made to private nonprofit agencies and organizations, in both urban and rural areas, to develop and carry out experimental preschool and early education programs for handicapped children. 20 U.S.C. 621a.

B. Nature of Application to Day Care: The preschool and early education sections of the act directly relate to day care educational services. The programs offered to handicapped children could include day care services.

C. Nature of Support to Day Care: Support is in the form of a contract or grant and is intended to facilitate the intellectual, emotional, physical, mental, social, and language development of handicapped preschool children. 20 U.S.C. Sec. 621(a).

D. Conditions of Support to Day Care: The programs are for handicapped children. 20 U.S.C. Secs. 621(a), 623.

E. Levels of Support to Day Care: Although no funds are specifically allocated to day care, $1 million was appropriated for First Chance for the fiscal year ending June 30, 1969; and $10 million for fiscal year ending June 30, 1970. Additionally, the Federal government may not pay more than 90 percent of the cost of developing, carrying out, or evaluating programs authorized under the act. 20 U.S.C. Sec. 621(c).

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Office of Education, HEW.

B. Provision for Coordination with Day Care Programs and/or Agencies: Each arrangement for developing or carrying out a program authorized by the act must provide for the effective coordination with similar programs in the schools of the community to be served. 20 U.S.C. Sec. 621(b).

I. GENERAL INFORMATION

A. Title of Legislation: HOUSING AND URBAN DEVELOPMENT ACT OF 1968, Title II, 12 U.S.C. 1707, 1715y, P.L. 90-448, 82 Stat. 476.

B. Programmatic Title: Rental Housing for Lower Income Families: Tenant Services.

C. Date of Enactment: August 1, 1968.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: Title II creates a program for providing rental housing for low-income families through a mix of mechanisms including mortgage-interest subsidies, rent supplements, etc.

B. Nature of Application to Day Care: A housing project financed under the program may include non-dwelling facilities to serve the occupants and the surrounding neighborhood. Included as tenant services is "child care." Title II-B, Sec. 1415(10). In most instances such facilities are physically located in the project and made availabile to tenants and those otherwise eligible.

C. Nature of Support to Day Care: Construction of day care facilities situated within housing projects authorized under the program is allowed.

D. Conditions of Support to Day Care: See II, D of the Model Cities Act, described below.

E. Levels of Support to Day Care: Authorized expenditures for tenant services were up to $15 million in fiscal year 1969 and $30 million in fiscal year 1970.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Federal Housing Administration, Department of Housing and Urban Development (HUD).

B. Provision for Coordination with Day Care Programs and/or Agencies: No directly relevant provisions appear in the legislation. (See the Federal Interagency Day Care Requirements for general conditions.)

I. GENERAL INFORMATION

A. Title of Legislation: JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT OF 1968, P.L. 90-445 (1968), 82 Stat. 101 et seq, 42 U.S.C. Secs. 3801-3890.

B. Programmatic Title: Preventive Services, Title I (c); Training, Title II; and Improved Techniques and Practices, Title III.

C. Date of Enactment: July 31, 1968.

II. NATURE OF PROGRAM AUTHORIZED

A. Nature of Programs Authorized: The Preventive Services section, Title I (c), authorizes the use of community-based services to prevent delinquency and it authorizes the establishment of new special preventive services. 42 U.S.C. Sec. 3831. Title II calls for grants to be made for projects that train personnel for jobs related to the diagnosis, treatment, or rehabilitation of youths who are delinquent or in danger of becoming delinquent. 42 U.S.C. Sec. 3861. Title III authorizes developing improved delinquency prevention techniques and making grants to public or nonprofit private agencies to serve this end. 42 U.S.C. Sec. 3871.

B. Nature of Application to Day Care: Titles I (c) and II might include providing day care services within the framework of larger programs providing educational and/or vocational training. Experimental programs authorized by Title III to develop improved delinquency prevention techniques and practices might include providing day care services for children of mothers engaged in the larger programs and for employing nonprofessionals in day care facilities.

C. Nature of Support to Day Care: All three titles provide support in the form of financial grants. 42 U.S.C. Secs. 3832, 3861, 3871 (b).

D. Conditions of Support to Day Care: Title I (c) lists a series of conditions, including assurances by the grant recipient that maximum use will be made of all available resources. 42 U.S.C. Sec. 3833 (a). Additionally, applications for grants must contain certain specified information related to the services to be provided by the recipients' program. 42 U.S.C. Sec. 3833 (b). Titles II and III require, only to the extent the secretary deems such contributions necessary, the recipient of any grant to contribute money, facilities, or services for carrying out the projects for which the grant is made. 42 U.S.C. Secs. 3862, 3871 (b).

E. Levels of Support to Day Care: The Preventive Services Title II (C) allows grants, not to exceed 75 percent of the cost of its authorized

programs. 42 U.S.C. Sec. 3832. No specific mention is made of day care. Title II contains no support-level provisions. Title III states that not more than 10 percent of the funds appropriated for any fiscal year under the Juvenile Delinquency Prevention and Control Act of 1968, or $2 million (whichever is less), may be used to carry out Title III programs. 42 U.S.C. Sec. 3871 (d). No specific mention is made of day care.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Programs: Social and Rehabilitation Service, HEW.

B. Provision for Coordination with Day Care Programs and/or Agencies: Titles I (C) and III contain provisions for coordination with existing social welfare legislation. 42 U.S.C. Secs. 3833 (a), (b), 3872.

I. GENERAL INFORMATION

A. Title of Legislation: THE PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS, established by Executive Order No. 11398, 1968 U.S.C.C. A.N. 4691 33 F.R. Sec. 4169 (1968).

B. Programmatic Title: President's Council on Physical Fitness and Sports.

C. Date of Enactment: March 6, 1968.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: The council, composed of cabinet members and citizens, is generally intended to strengthen the physical fitness of all Americans. Exec. Order No. 11398, Secs. 2. This includes improving school health and physical education programs. Exec. Order No. 11398, Sec. 2 (5).

B. Nature of Application to Day Care: The program is applicable to day care through its emphasis on educational and health services for children.

C. Nature of Support to Day Care: Support is in the form of Federal encouragement and stimulus to state and local physical fitness programs through using the facilities and information resources of Federal agencies. Exec. Order No. 11398, Secs. 2, 5.

D. Conditions of Support to Day Care: None.

E. Levels of Support to Day Care: The use of the facilities and information resources of participating Federal agencies is limited only by their availability. Exec. Order No. 11398, Sec. 5 (a).

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: HEW.

B. Provision for Coordination with Day Care Programs and/or Agencies: The order merely provides that the function of any Federal agency shall not be modified by this program. Exec. Order No. 11398, Sec. 6.

I. GENERAL INFORMATION

A. Title of Legislation: ECONOMIC OPPORTUNITY ACT OF 1964 (EOA), as amended, 42 U.S.C. Secs. 2701-2994, Title II, Sec. 2825, et seq.

B. Programmatic Title: Research and Pilot Programs.

C. Date of Enactment: December 23, 1967 .

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: This title authorizes financial assistance for pilot or demonstration projects conducted by public or private agencies to help low-income individuals and families become self-sufficient. 42 U.S.C. Secs. 2825, 2781. It is a supplement to the EOA Community Action programs. One example is the Parent and Child Center program, initiated in 1968. These centers provide educational, recreational, and health services to disadvantaged families.

B. Nature of Application to Day Care: The program provides for pilot projects, which might include planning and developing parent and child day care centers and services for disadvantaged families.

C. Nature of Support to Day Care: Pilot projects must be approved on the community level before assistance will be provided under this title. 42 U.S.C. Sec. 2825 (d).

D. Conditions of Support to Day Care: Pilot projects must be approved on the community level before assistance will be provided under this title. 42 U.S.C. Sec. 2825 (d).

E. Levels of Support to Day Care: Not specified. The parent and child centers received $5 million in 1969.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: OEO.

B. Provision for Coordination with Day Care Programs and/or Agencies: The director of OEO is instructed to develop a general plan for coordination with other Federal agencies to avoid duplication of projects. 42 U.S.C. Sec. 2825 (b).

I. GENERAL INFORMATION

A. Title of Legislation: ECONOMIC OPPORTUNITY ACT, 42 U.S.C. Secs. 2701-2994 (1964), as amended, Title I (D), Secs. 2763-2768.

B. Programmatic Title: Special Impact Programs.

C. Date of Enactment: December 23, 1967.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: These programs are designed to focus on neighborhoods, communities, or rural areas where the problems of poverty and unemployment are acute. Programs are aimed at fostering economic and business development, community development activities designed to increase training and employment activities, and manpower programs. 42 U.S.C. Sec. 2763-2764.

B. Nature of Application to Day Care: The business development programs could include establishing day care businesses, and the training programs could include training day care personnel. Further, supportive services for participants in training programs could include providing day care.

C. Nature of Support to Day Care: Day care could receive either financial support or trained personnel from special impact projects.

D. Conditions of Support to Day Care: Special impact programs must have a concentrated and appreciable impact on the areas they serve. (See II, A above.) 42 U.S.C. Sec. 2764.

E. Levels of Support to Day Care: Total authorized appropriations for these programs in fiscal year 1971 were $60 million. To date no funds have been spent on training day care personnel.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Programs: OEO.

B. Provisions for Coordination with Day Care Programs and/or Agencies: The director of OEO is to coordinate business development locations with the secretary of HUD. He must also work with any other appropriate agencies to see that government contracts, subcontracts, and deposits are used to further programs under this act. 42 U.S.C. Sec. 2766.

I. GENERAL INFORMATION

A. Title of Legislation: ECONOMIC OPPORTUNITY ACT, 42 U.S.C. Secs. 2701-2994 (1964), as amended, Title IV, Secs. 2901-2907.

B. Programmatic Title: Economic Opportunity Loans.

C. Date of Enactment: December 23, 1967.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: The administrator of the Small Business Administration (SBA) is authorized to make loans to businesses in areas of high unemployment or in areas with a high proportion of low-income people. Loans can also be made to concerns owned by low-income individuals. 42 U.S.C. Sec. 2902. The SBA may also provide financial assistance to public or private organizations which provide technical and management assistance to individuals and enterprises that receive the loans. 42 U.S.C. 2906b. Further, the SBA is authorized in conjunction with other Federal contracts and deposits made to help these projects succeed. 42 U.S.C. Sec. 2906 c.

B. Nature of Application to Day Care: Individuals or enterprises operating or hoping to establish day care business could receive assistance under these programs.

C. Nature of Support to Day Care: Day care could receive direct or indirect financial support, assistance in management, or contracts to run federally financed day care programs.

D. Conditions of Support to Day Care: Those seeking assistance for day care businesses under this program must meet the geographic and economic conditions outlined (see II, A above).

E. Levels of Support to Day Care: The amount of money available from the OEO through the SBA for actual day care programs has not been researched.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Programs: SBA.

B. Provisions for Coordination with Day Care Programs and/or Agencies: The SBA administrator is to coordinate the programs with the secretary of the Department of Commerce. 42 U.S.C. Sec. 2906 (e).

I. GENERAL INFORMATION

A. Title of Legislation: PROVIDING FOR THE COORDINATION OF YOUTH OPPORTUNITY PROGRAMS, established by Executive Order No. 11330, 1967 U.S.C.C.A.N. 3465; 32 FR 3871.

B. Programmatic Title: Coordinating Youth Opportunity Programs.

C. Date of Enactment: March 9, 1967.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: This council and citizens' advisory board on youth opportunity was designed to coordinate the following Federal, state, and local youth programs: programs to maximize meaningful employment of youth; programs to strengthen the educational achievements of youth; programs to encourage youth to become involved in improving their home neighborhoods; programs designed to identify and treat the physical ailments of youth; programs to encourage youth participation in cultural, recreational, and athletic activities; programs utilizing camping and recreational facilities; and programs by which children from urban slums spend their summers with families living in a wholesome environment. Exec. Order No. 11330, Secs. 101, 102.

B. Nature of Application to Day Care: The breadth of the order makes it applicable to a comprehensive list of day care services, including nutritional, social, health, and educational services.

C. Nature of Support to Day Care: Support is primarily organizational through the furnishing of information, although financing from the participating Federal agencies may also be secured. Exec. Order No. 11330 (1967), Secs. 103, 301.

D. Conditions of Support to Day Care: None.

E. Levels of Support to Day Care: The order merely states that financing will be furnished "as may be necessary" in accordance with Sec. 214 of the act of May 3, 1945 (59 Stat. 134; 31 U.S.C. Sec. 691), Exec. Order No. 11330 (1967), Sec. 301.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: The program is administered by the several departments represented on the council, including the departments of Defense, Interior, Agriculture, Labor, Commerce, and Health, Education, and Welfare.

B. Provision for Coordination with Day Care Programs and/or Agencies: Day care programs and/or agencies are not specifically mentioned in the order; however, the entire thrust of the order is to implicitly coordinate such programs and agencies.

I. GENERAL INFORMATION

A. Title of Legislation: ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, P.L. 89-10, Title VI (A), 20 U.S.C. Secs. 871-880 (2).

B. Programmatic Title: Education of the Handicapped.

C. Date of Enactment: November 3, 1966.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: The act authorized programs for assisting the states in their efforts to educate handicapped children at the preschool, elementary, and secondary school levels. 20 U.S.C. Sec. 871.

B. Nature of Application to Day Care: The state plans supported by the act may include day care educational facilities.

C. Nature of Support to Day Care: Support to day care is in the form of financial grants to the states. Projects for handicapped children could include day care programs. 20 U.S.C. Sec. 871.

D. Conditions of Support to Day Care: Payment of grants is conditioned upon approval of the states' plans by the commissioner of the Office of Education. 20 U.S.C. Sec. 874. Each plan must provide, among other things, satisfactory assurance that funds paid to the state under the act will be expended, either directly or through local educational agencies, solely to initiate, expand, or improve programs and projects related to the educational needs of handicapped children throughout the state. 20 U.S.C. Sec. 874.

E. Levels of Support to Day Care: Although the statute does not set forth the amount specifically allocated to day care, $50 million was authorized for grants for the fiscal year ending June 30, 1967; $150 million for the fiscal year ending June 30, 1968; $162 million for the fiscal year ending June 30, 1969; and $200 million for the fiscal year 1970. Day care programs received about $4 million in 1970. 20 U.S.C. Sec. 872.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Office of Education, HEW.

B. Provision for Coordination with Day Care Programs and/or Agencies: None.

I. GENERAL INFORMATION

A. Title of Legislation: ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, as amended, 20 U.S.C. 880 b-1 to 20 U.S.C. 880 b-6.

B. Programmatic Title: ESEA Migrant Program.

C. Date of Enactment: January 2, 1968.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: This program provides educational and other programs to bilingual children with limited English-speaking ability.

B. Nature of Application to Day Care: Preschool and school-age children receive education, health, food, and clothing.

C. Nature of Support to Day Care: Financial assistance is provided to school districts for special programs for bilingual children. In addition, personnel training and teaching supplies are provided. 20 U.S.C. 880b-2(c).

D. Conditions of Support to Day Care: Participants must be bilingual children from low-income or AFDC families. 20 U.S.C. 880b-2(c).

E. Levels of Support to Day Care: Funds spent for this program totaled $2,723,664 in fiscal year 1969.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Programs: Office of Education, HEW.

B. Provision for Coordination with Day Care Programs and/or Agencies: Not researched.

I. GENERAL INFORMATION

A. Title of Legislation: DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966, P.L. 89-754, 42 U.S.C. Secs. 1400 et seq.

B. Programmatic Title: Model Cities.

C. Date of Enactment: November 3, 1966.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: The act provides for an integrated program to improve slum or blighted neighborhoods in cities. It calls for a comprehensive approach to social, economic, and physical problems in selected areas through concentration and coordination of Federal, state, and local government activities.

B. Nature of Application to Day Care: The act authorizes "supplemental" funds through grants to model cities projects (Sec. 105, Title I) which may be used for day care programs. Other funds made available from other sources could be used, for example, non-Federal matching funds for a categorical program such as those authorized under Title VI, Part A, of the Social Security Act. Funds could also be used for the construction or renovation of day care facilities or for direct provision of services in connection with manpower programs. The act itself calls for education programs designed to reduce "educational disadvantage(s)," and preschool programs are included as possible education programs in the model cities program guide.

C. Nature of Support to Day Care: The act provides support to day care both in terms of authorized funds which may be used to provide day care services and to establish programs such as making health services available to day care programs.

D. Conditions of Support to Day Care: Funds or services made available can be secured only after compliance with all rules, regulations, and guidelines of the programs authorized under the act as well as applicable regulations and guidelines of other programs of other agencies made applicable to model cities projects. Obviously, the programs must operate within a model city's boundaries, and be designed to serve its residents. Day care programs otherwise need only comply with the Federal Interagency Day Care Requirements.

E. Levels of Support to Day Care: The total funds available (other than planning grants) under the act amounted to $400 million in 1968 and $500 million in 1969. Figures for program allocations to day care programs is estimated at a total of $10.6 million.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Grants are available to a city demonstration agency. Many Federal, state, and local agencies possess administrative responsibilities to the extent that programs and resources administered by those agencies are provided to a model cities program. (See Section 208 of Title II.) The model cities administration within HUD is authorized by statute to provide overall administration.

B. Provision for Coordination with Day Care Programs and/or Agencies: General directions are contained in the legislation for coordination of agency efforts in development of comprehensive plans. (See, e.g., Title I, Section 104 (b)). Such a requirement would extend to day care programs. Also, the application of the Federal Interagency Day Care Requirements would dictate coordination.

I. GENERAL INFORMATION

A. Title of Legislation: CHILD NUTRITION ACT OF 1966, 42 U.S.C. Secs. 1771-1774.

B. Programmatic Title: School Breakfast Program; Special Milk Program; Non-Food Assistance Program.

C. Date of Enactment: October 11, 1966.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: This act was passed to supplement the National School Lunch Act of 1946. The general intent of both enactments is to provide for the health and well-being of children and to promote the consumption of nutritious domestic food-stuffs and commodities.

B. Nature of Application to Day Care: When day care is integrated into and operated as a part of public school systems, it is eligible for the supports provided under this legislation. (See National School Lunch Act of 1946, 42 U.S.C. Secs. 1751-1761.) The Non-Food Assistance Program is of special interest in that day care centers, otherwise qualifying, may have funds made available for the purchase of food service equipment.

C. Nature of Support to Day Care: Food commodities and food-service equipment are made available.

D. Conditions of Support to Day Care: The day care center must be a part of a public school system. Other conditions are contained in the Federal Interagency Day Care Requirements.

E. Levels of Support to Day Care: The levels of appropriations for the act were $38 million for the fiscal year ending June 30, 1971. (Amendment to act, P.L. 91-248, May 14, 1970).

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Regional Offices and the Consumer and Marketing Service, Department of Agriculture (USDA).

B. Provision for Coordination with Day Care Programs and/or Agencies: Coordination is, of course, required with the public school system housing a day care program. (Also see the Federal Interagency Day Care Requirements.)

I. GENERAL INFORMATION

A. Title of Legislation: HIGHER EDUCATION ACT OF 1965, 42 U.S.C. Secs. 2751-2756, 20 U.S.C. Sec. 1091 et seq.

B. Programmatic Title: Work Study Programs; Education/Professions Development Program.

C. Date of Enactment: October 16, 1968 (Work Study Programs); November 8, 1965 (Education/Professions Development).

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: The work study programs promotes the part-time employment of students from low-income families in institutions of higher education. 42 U.S.C. Sec. 2751. The education/professions development program authorizes improvement in the quality of teaching by providing training and retraining opportunities in colleges and universities. 20 U.S.C. Sec. 1091.

B. Nature of Application to Day Care: The Work Study programs at colleges and universities may include placing college students as aides in day care centers. Under the Education/Professions Development program, projects to improve the teaching of persons serving in education can include preschool programs and child development programs.

C. Nature of Support to Day Care: Grants are available under both sections of the Higher Education Act of 1965 (see 42 U.S.C. Sec. 2753, 20 U.S.C. 1091 C, although day care is not specifically authorized in either.

D. Conditions of Support to Day Care: Conditions of support under Work-Study programs include the provisions that students receiving employment must be from low-income families and that they will not be permitted to engage in more than fifteen hours of work in any week under the program. 42 U.S.C. S 2754 (a) (3) & (4). Education/Professions Development programs require general assurances of good faith from grant recipients that money granted will be expended on programs planned, plus assurances that specific administrative procedures will be followed. See, e.g., 20 U.S.C. Sec. 1110.

E. Levels of Support to Day Care: None.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Programs: Office of Education, HEW.

B. Provision for Coordination with Day Care Programs and/or Agencies: None.

I. GENERAL INFORMATION

A. Title of Legislation: PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965, as amended, 42 U.S.C. Secs. 3121-3226, Title II, 42 U.S.C. Secs. 3141-3143.

B. Programmatic Title: Economic Development Loans.

C. Date of Enactment: August 26, 1965.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: This program provides loans and purchases of certificates of indebtedness to aid in financing projects for construction, alteration, and rehabilitation of building in redevelopment areas, as defined in 42 U.S.C. Secs. 3161-3171. Loan guarantees may also be obtained for working capital in such areas. 42 U.S.C. Sec. 3142.

B. Nature of Application to Day Care: Businesses operating or attempting to build and operate day care centers could qualify for loans under this program.

C. Nature of Support to Day Care: Eligible businesses would receive financial support.

D. Conditions of Support to Day Care: The project must be located in an economic development district or a redevelopment area. Funds cannot be used for relocation or to displace existing businesses.

E. Levels of Support to Day Care: The program emphasizes projects of an "industrial" nature, so few day care projects would be likely to benefit.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Department of Commerce.

B. Provision for Coordination with Day Care Programs and/or Agencies: There is no provision for coordination except for some minor funding coordination with the Area Redevelopment Administration.

I. GENERAL INFORMATION

A. Title of Legislation: HOUSING AND URBAN DEVELOPMENT ACT OF 1965, P.L. 89-117, 42 U.S.C. Sec. 3103.

B. Programmatic Title: Neighborhood Facilities.

C. Date of Enactment: August 10, 1965.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: The program established a grant mechanism to local public agencies to assist in financing the construction, rehabilitation, or expansion of public facilities (neighborhood centers) for multipurpose use. The facilities must be located in accordance with guidelines and must provide an array of social and recreational services. Preference is given to centers established in low-income areas and those which further the objectives of Community Action programs authorized under Title I of the Economic Opportunity Act of 1964.

B. Nature of Application to Day Care: Neighborhood facilities constructed, rehabilitated, or expanded under this program may include child care facilities. (Based upon information available in the Community Coordinated Day Care Manual (4-C) nearly one-half of the facilities aided by the program contained day care facilities.)

C. Nature of Support to Day Care: Nonprogrammatic support for construction, rehabilitation, or expansion of multipurpose facilities may include day care facilities.

D. Conditions for Support to Day Care: Facilities grantees must be nonprofit organizations. Also, provisions require the facilities to be used for the designated purposes for a period of twenty years from the date of the grant. Presumably, however, if other services offered at centers with day care components terminate, the centers could continue to be used for day care or be converted to such uses. 42 U.S.C. Sec. 3103 (d).

E. Levels of Support to Day Care: The act provided for $50 million for each fiscal year from the date of enactment to July 1, 1969. The budget estimate for the fiscal year ending July 1, 1970, was $45 million.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Neighborhood Programs Division, HUD.

B. Provision for Coordination with Day Care Programs and/or Agencies: Section 3103 (c)(2) requires the facilities utilization to be "consistent with comprehensive planning" in the community. No other explicit reference is found. Additionally, however, the Federal Interagency Day Care Requirements would apply.

I. GENERAL INFORMATION

A. Title of Legislation: HEALTH SERVICES FOR MIGRATORY WORKERS, P.L. 89-109, Sec. 3, 79 Stat. 436, 42 U.S.C. 5242h.

B. Programmatic Title: Migrant Health.

C. Date of Enactment: August 5, 1965.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: The program is designed to provide basic health services for migratory farm workers and their families. Grants may pay part of the cost of clinics, in-hospital care, and special projects to improve their health conditions, services, and practices. Training of health personnel is also provided. 42 U.S.C. Sec. 242 (h).

B. Nature of Application to Day Care: The program could be used to finance the health-care part of a comprehensive day care program for families of workers. Also, the health personnel trained could be employed by day care programs.

C. Nature of Support to Day Care: Indirect financial and personnel assistance could be granted.

D. Conditions of Support to Day Care: The local agencies, institutions, and organizations administering the programs must provide health training and services to migratory farm workers and their families. 42 U.S.C. Sec. 242 (h).

E. Levels of Support to Day Care: Appropriations for all activities under this act were $15 million for fiscal year 1970. The proportion available for day care programs would probably be quite small, but this point was not researched. 42 U.S.C. Sec. 242 (h), as amended by P.L. 90-574. October 15, 1968. The Federal share is not specified.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Health Services and Mental Health Administration, Public Health Service, HEW.

B. Provision for Coordination with Day Care Programs and/or Agencies: The secretary of HEW is authorized to cooperate with other programs seeking to improve the quality of migrant health (see, e.g., Title III of the Economic Opportunity Act, 42 U.S.C. Secs. 2861-2864). 42 U.S.C. Sec. 242.

I. GENERAL INFORMATION

A. Title of Legislation: SOCIAL SECURITY ACT OF 1965, Title XIX, P.L. 89-97, 42 U.S.C. Secs. 1396-1396g.

B. Programmatic Title: Medicaid.

C. Date of Enactment: July 30, 1965.

II. PROGRAMS AUTHORIZED

A. General Nature: Medicaid is a joint federal and state program designed to enable those persons who are eligible to purchase care from participating health care providers of their choice.

B. Nature of Application to Day Care: Children in day care centers who need health care may receive such services, if they are eligible under the Medicaid program. Day care supervisors are required under the Federal Interagency Day Care Requirements to secure needed health care services for children in centers.

C. Nature of Support to Day Care: No direct supportive services are provided except to the extent health services are made available.

D. Conditions of Support to Day Care: Health services are available under Medicaid only when children in programs are eligible under the conditions of the Medicaid program.

E. Levels of Support to Day Care: No figures are available for Medicaid expenditures directly related to day care beneficiaries.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Medical Services Administration of the Social and Rehabilitation Service, HEW; states have also established agencies for administering the program.

B. Provision for Coordination with Day Care Programs and/or Agencies: See the Federal Interagency Day Care Requirements.

I. GENERAL INFORMATION

A. Title of Legislation: ECONOMIC OPPORTUNITY ACT OF 1964, 42 U.S.C. Secs. 2701-2994 (1964), as amended, Title VIII, Secs. 2991-2994d.

B. Programmatic Title: VISTA.

C. Date of Enactment: August 20, 1964.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: VISTA authorizes manpower programs which provide volunteers who live and work with the poor on subsistence allowances in urban slums, in rural poverty areas, on Indian reservations, or in migrant camps. The basic job of the volunteer is to help the poor meet their own health, education, and welfare needs. 42 U.S.C. Secs. 2991-2992.

B. Nature of Application to Day Care: VISTA volunteers can be a source of skilled and versatile manpower. They can help day care centers seek out and apply for funds as well as provide service in a day care or child development facility. In addition, they may work with any programs authorized or supported by the Economic Opportunity Act. To the extent that other sections of the act provide for day care programs, VISTA volunteers could assist them. 42 U.S.C. Sec. 2991a.

C. Nature of Support to Day Care: VISTA provides manpower resources for day care.

D. Conditions of Support to Day Care: Support is provided according to the need for and availability of VISTA volunteers. Additionally, no agency receiving support may request or receive any compensation for services of volunteers. Projects undertaken by volunteers must be those which would not otherwise have been performed.

E. Levels of Support to Day Care: No available information.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: OEO.

B. Provision for Coordination with Day Care Programs and/or Agencies: The statute provides for the establishment of necessary steps to coordinate volunteer programs authorized under this title with one another, with community action programs, and with other related Federal, state, and local programs, implicitly including day care. 42 U.S.C. Sec. 2994.

I. GENERAL INFORMATION

A. Title of Legislation: CIVIL RIGHTS ACT OF 1964, P.L. 88-352, Title IV, Sec. 202, July 2, 1964, 42 U.S.C. Secs. 200 c-2 - c-4.

B. Programmatic Title: School Desegregation Technical Training and Assistance.

C. Date of Enactment: July 2, 1964.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: Several programs are authorized by this portion of the Civil Rights Act:

a) to render technical assistance to any school district for the implementation of plans for the desegregation of public schools; 42 U.S.C. Sec. 2000 c-2.

b) to pay financial grants to schools for the training of teachers who must deal with the special educational problems occasioned by desegregation; 42 U.S.C. Sec. 2000 c-3

c) to pay grants to school districts employing specialists to advise in the problems incident to desegregation; 42 U.S.C. 2000 c-4.

B. Nature of Application to Day Care: The nature of application depends on the type of state or local desegregation plan. Conceivably this could include comprehensive educational, social, health, and parental participation day care services.

C. Nature of Support to Day Care: Support consists of grants and the making available of technical information and trained personnel to local school districts attempting to cope with the educational problems of desegregation. 42 U.S.C. Secs. 2000 c-2, c-3, c-4.

D. Conditions of Support to Day Care: Not researched.

E. Levels of Support to Day Care: Not researched.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Office of Education, Department of Health, Education, and Welfare, and local school boards.

B. Provision for Coordination with Day Care Programs and/or Agencies: There is none.

C. Regulations and/or Guidelines Adopted: Guidelines propounded by the Secretary of Health, Education, and Welfare for desegregation of public schools are not binding on school systems. However, recent Supreme Court decisions do define applicable constitutional guidelines. 42 U.S.C.A. Sec. 2000 c-2, note 2.

D. References to Legislative Intent: The purpose of the act is to provide equal educational opportunities, regardless of race, color, religion, or national origin. 1964 U.S. Code, Cong. and Adm. News, p. 2355.

I. GENERAL INFORMATION

A. Title of Legislation: SMALL BUSINESS ACT OF 1953, as amended, 15 U.S.C. Secs. 636, P.L. 117, August 10, 1965.

B. Programmatic Title: Small Business Loans; Lease Guarantee Program.

C. Date of Enactment: Amended by Public Law 88-264, enacted February 5, 1964.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: Small businesses that are unable to secure financing commercially may apply under these provisions to the Small Business Administration (SBA). Only for-profit organizations may apply.

The Lease Guarantee provisions, Title 15, Secs. 692 et seq., grant the authority to the SBA to guarantee payment of rentals by small business concerns.

B. Nature of Application to Day Care: Day care organizations established as for-profit enterprises may be eligible for loans guaranteed by the SBA or for lease guarantees.

C. Nature of Support to Day Care: Non-programmatic support as explained in A above.

D. Conditions of Support to Day Care: A day care program must meet the conditions imposed for qualification for loan or lease guarantee. The two principal conditions relevant to day care are: (1) the organization must be for-profit, and (2) the organization must be a "small business concern" as defined in the act and regulations. Day care centers can generally meet these conditions.

E. Levels of Support to Day Care: Using fiscal year 1968 as an illustrative year, the SBA granted 32 loans to day care programs in a gross amount of $704,000.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Small Business Administration.

B. Provision for Coordination with Day Care Programs and/or Agencies: There are no express provisions in the act directing coordination. The Federal Interagency Day Care Requirements should be applicable.

C. References to Legislative Intent: For legislative history and intent see principally 1964, U.S, Code ,Cong. and Adm. News, p. 1285.

I. GENERAL INFORMATION

A. Title of Legislation: MENTAL RETARDATION FACILITIES CONSTRUCTION ACT OF 1963, 42 U.S.C. Secs. 2661-2665.

B. Programmatic Title: Mental Retardation University-Affiliated Facilities Construction.

C. Date of Enactment: October 31, 1963

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: Programs authorized under the act consist of the construction and planning for the construction of university-affiliated facilities, including training facilities for mental retardation specialists and child day care centers for the mentally retarded. 42 U.S.C. 2661.

B. Nature of Application to Day Care: The act is applicable to day care to the extent that a child day care center may be part of a mental health center.

C. Nature of Support to Day Care: Support consists of Federal grants for the planning and construction of mental health facilities. 42 U.S.C. Sec. 2661.

D. Conditions of Support to Day Care: In order that grants under the act be approved, the facility being constructed must be affiliated with a college or university and there must be assurances made to the secretary of Health, Education, and Welfare that the completed project will be sustained by adequate financial support. 42 U.S.C. Sec. 2662.

E. Levels of Support to Day Care: The total of the grants with respect to any project for the construction of a facility under the act may not exceed 75 percent of the necessary construction cost. 42 U.S.C. Sec. 2663.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Social and Rehabilitation Service of the Department of Health, Education, and Welfare.

B. Provisions for Coordination with Day Care Programs and/or Agencies: No grant is to be made under the Public Health Service Act, 42 U.S.C. 20 et. seq., for the construction of any mental health facility, unless it is first determined that funds are not available under this act. 42 U.S.C. Sec. 2665.

C. Regulations and/or Guidelines Adopted: Regulations have been adopted. 45 C.F.R. Sec. 416.

I. GENERAL INFORMATION

A. Title of Legislation: MENTAL RETARDATION FACILITIES AND COMMUNITY MENTAL HEALTH CONSTRUCTION ACT OF 1963, Title V, 20 U.S.C. Secs. 611-613, 617, 618.

B. Programmatic Title: Grants for Teaching in the Education of the Handicapped.

C. Date of Enactment: September 6, 1958.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: Three programs are authorized under the act: (a) to make grants to institutions of higher learning to assist them in the training of teachers of handicapped children; (b) to make grants for advanced training of teachers of handicapped children; and (c) to make grants to institutions of higher learning to assist them in establishing and maintaining scholarships and fellowships for those preparing to be teachers of handicapped children. 20 U.S.C. Secs. 611-612.

B. Nature of Application to Day Care: A child care center may be part of an institution receiving aid under the act or part of an institution at which a teacher trained under the act ultimately provides instruction.

C. Nature of Support to Day Care: The act supports day care through grants for the education of teachers of handicapped children.

D. Conditions of Support to Day Care: Grants are made only to non-profit institutions and state educational agencies. 20 U.S.C. Secs. 611, 615.

E. Levels of Support to Day Care: The act authorized $19,500,000 for the fiscal year ending June 30, 1966; $29,500,000 for the fiscal year ending June 30, 1967; $34,000,000 for the fiscal year ending June 30, 1968; $37,500,000 for the fiscal year ending June 30, 1969; and $55,000,000 for the fiscal year ending June 30, 1970. 20 U.S.C. Sec. 617. However, none of this money is specifically allocated to day care.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Office of Education, Department of Health, Education, and Welfare.

B. Provision for Coordination with Day Care Programs and/or Agencies: There is none.

C. Regulations and/or Guidelines Adopted: Regulations have been adopted. 45 C.F.R. Sec. 416.

D. References to Legislative Intent: The act is intended to help provide for the special education required by handicapped children. See 1963 U.S. Code, Cong. and Adm. News, p. 1054. See also 1968 U.S. Code, Cong. and Adm. News, p. 4164.

I. GENERAL INFORMATION

A. Title of Legislation: INDIAN HEALTH ACT, 42 U.S.C. Secs. 2001-2005 (f).

B. Programmatic Title: same.

C. Date of Enactment: August 5, 1954.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: The act provides comprehensive, family-centered health services for Indians through contract medical care with community hospitals, private physicians and dentists, and state and local health agencies. 42 U.S.C. Sec. 2002. Financial assistance for the construction of health facilities for Indians is also authorized by the act. 42 U.S.C. Sec. 2005.

B. Nature of Application to Day Care: Institutional health and nutritional services authorized under the act may provide child day care services.

C. Nature of Support to Day Care: Support is in the form of financial assistance. 42 U.S.C. Sec. 2005.

D. Conditions of Support to Day Care: General conditions of support, indirectly applicable to day care, include the requirements that health facilities authorized by the act meet the specifications of the Department of Health, Education, and Welfare. Additionally, assurances must be made that Indians will, in fact, be cared for at the authorized health facilities. 42 U.S.C. Sec. 2005 (b).

E. Levels of Support to Day Care: The amount of authorized assistance is dependent upon the reasonable cost of Indian health needs as determined by the administering agency. 42 U.S.C. Sec. 2005 (a).

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Public Health Service, Health Services and Mental Health Administration, Department of Health, Education, and Welfare.

B. Provision for Coordination with Day Care Programs and/or Agencies: The financial assistance provided under this act does not in any way affect eligibility for aid under any other Federal act. 42 U.S.C. 2005 (d). There is no other specific provision for coordination with day care programs.

C. Regulations and/or Guidelines Adopted: Regulations have been adopted. 18 C.F.R. Sec. 2053.

I. GENERAL INFORMATION

A. Title of Legislation: INDIAN EDUCATION PROGRAMS, 25 U.S.C. Secs. 13, 452.

B. Programmatic Title: Use of Federal Facilities for Indian Education, and Johnson-O'Malley Program.

C. Date of Enactment: November 2, 1921; amended April 16, 1934.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: Federal facilities and Federal funds are provided for various programs -- including kindergarten -- to benefit Indians. The Johnson-O'Malley Act provides for social services, including preschool education, for Indians on reservations. These programs may also utilize Federal facilities.

B. Nature of Application to Day Care: Both programs have been used to provide preschool kindergarten programs for Indian children.

C. Nature of Support to Day Care: Facilities and funds are provided.

D. Conditions of Support to Day Care: Both programs are for Indians.

E. Levels of Support to Day Care: The Bureau of Indian Affairs (BIA) spent $1.85 million on Indian kindergarten programs in fiscal year 1970 under 25 U.S.C. Sec. 13. The secretary of the Interior made grants of $2.3 million to local school districts for Indian kindergarten programs in fiscal year 1970 under 25 U.S.C. Sec. 452.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: BIA operates programs under 25 U.S.C. Sec. 13. The secretary of the Department of Interior makes grants for programs under 25 U. S. C. Sec. 452.

B. Provision for Coordination with Day Care Programs and/or Agencies: Not specified.

I. GENERAL INFORMATION

A. Title of Legislation: NATIONAL SCHOOL LUNCH ACT, 42 U.S.C. Secs. 1751-1761.

B. Programmatic Title: National School Lunch Program, Special Food Service Program for Children (Vanik Program); Temporary Emergency Assistance to Provide Nutritious Meals to Needy Children in Schools Program.

C. Date of Enactment: June 4, 1946 (Temporary Emergency Assistance to Provide Nutritious Meals to Needy Children in Schools Program enacted March 12, 1970).

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: The intent behind the application of this Act closely parallels the Child Nutrition Act of 1966. 42 U.S.C. Secs. 1771-1785. All public and private nonprofit schools are eligible together with preschool programs when operated as a part of the school system under the authority of Section 12 of the Child Nutrition Act. Schools are assisted by provision of (1) agricultural commodities and other foods and (2) non-food assistance in furtherance of the school lunch program. The Special Food Service Program provides grants-in-aid to states to "initiate, maintain or expand nonprofit food service programs for children in service institutions . . . such as child day care centers.. . ." 42 U.S.C. Secs. 1761 (a)(1).

B. Nature of Application to Day Care: When day care programs are integrated into and operated as a part of public school systems, such programs are eligible for the supports provided under this legislation.

C. Nature of Support to Day Care: The support is non-programmatic consisting of food commodities and food service equipment.

D. Conditions of Support to Day Care: The principal condition of support is the requirement that the day care center be a part of a public school system. Other conditions are contained in the Federal Interagency Day Care Requirements.

E. Levels of Support to Day Care: Discretionary appropriations are authorized in Section 1752; Section 1761 provides $32 million for each of the three fiscal years ending on June 30 through 1971; and the Temporary Emergency Assistance to Provide Nutritious Meals to Needy Children in Schools Program authorizes an additional $30 million for fiscal year 1970.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Department of Agriculture regional offices and the Consumer and Marketing Service.

B. Provision for Coordination with Day Care Programs and/or Agencies: Coordination is, of course, required with the public school system housing a day care program. Also, see the Federal Interagency Day Care Requirements.

I. GENERAL INFORMATION

A. Title of Legislation: PUBLIC HEALTH SERVICE ACT, 42 U.S.C. Sec. 242(a).

B. Programmatic Title: National Mental Health.

C. Date of Enactment: July 1, 1944.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: Programs under the act include provisions for training and instruction and the making of grants to local agencies for investigations relating to the diagnosis, treatment, and rehabilitation of the mentally ill. 42 U.S.C. Sec. 242(a).

B. Nature of Application to Day Care: The act is related to day care primarily through its provisions for away-from-home treatment and rehabilitation of the mentally ill, including mentally ill children.

C. Nature of Support to Day Care: Support is in the form of financial grants to local mental health institutions. 42 U.S.C. Sec. 242(a).

D. Conditions of Support to Day Care: Grants may be made only upon recommendation of the National Advisory Mental Health Council. 42 U.S.C. Sec. 242(a)(b).

E. Levels of Support to Day Care: Levels of support under the act are determined by the Department of Health, Education, and Welfare. 42 U.S.C. Sec. 242(a)(b). Although the level of support available specifically to day care was not researched, the two institutes spent $20.5 million in 1970.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: National Institute of Child Health and Development, and the National Institute of Mental Health, Department of Health, Education, and Welfare.

B. Provision for Coordination with Day Care Programs and/or Agencies: There is none.

C. Regulations and/or Guidelines Adopted: Regulations (18 C.F.R. Sec. 2053) were adopted in 1953. 42 U.S.C. Sec. 201.

I. GENERAL INFORMATION

A. Title of Legislation: PUBLIC HEALTH SERVICE ACT, Title II, Part A, 42 U.S.C. Sec. 241; Title III, Part E, 42 U.S.C. Sec. 289(d).

B. Programmatic Title: (a) Research and Investigations (Title II, Part A), (b) Institutes of Child Health and Human Development (Title III, Part E).

C. Date of Enactment: July 1, 1944.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: (a) Title II authorizes among other things, ederal assistance in the conduct of research and investigations into the causes, diagnosis, treatment, control, and prevention of physical and mental diseases. 42 U.S.C. Sec. 241. Grants-in-aid to universities, hospitals, and other public or private institutions are made available for these programs. 42 U.S.C. Sec. 241(d). (b) Title III, Part E, authorizes the establishment of an institute for research and training relating to maternal and child health. 42 U.S.C. Sec. 289(d).

B. Nature of Application to Day Care: (a) Grants available under Title II to investigators in universities, colleges, hospitals, or research institutions may be directed to projects relating to day care centers. (b) Research grants authorized under Title III for personnel in maternal and child health training programs may include personnel in day care centers.

C. Nature of Support to Day Care: Support is through grants-in-aid, 42 U.S.C. Sec. 241(d), although day care is not an explicitly named beneficiary.

D. Conditions of Support to Day Care: Conditions specifically applicable to day care are not included in the statutes.

E. Levels of Support to Day Care: Not specified.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Public Health Service, HEW.

B. Provision for Coordination with Day Care Programs and/or Agencies: Title III calls for the coordination of all research efforts conducted by public authorities without expressly naming day care programs or agencies. 42 U.S.C. Sec. 241. The Institutes of Child Health and Human Development Program, 42 U.S.C. Sec. 289(d), contains no coordination provision.

C. Regulations and/or Guidelines Adopted: Regulations have been adopted. (See, e.g., 31 F.R. Sec. 8855.)

I. GENERAL INFORMATION

A. Title of Legislation: HATCH ACT OF 1887, as amended, U.S.C. Sec. 36(a).

B. Programmatic Title: The Cooperative State-Federal Research Program.

C. Date of Enactment: March 2, 1887; amended August 11, 1955.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: The major intent of this legislation is to sponsor research on nutrition, including the nutritional needs of pre-school children.

B. Nature of Application to Day Care: Nutritional programs are of special interest to day care programs. Day care programs may have data and information made available as a result of research undertaken pursuant to the act or may develop projects locally for possible funding.

C. Nature of Support to Day Care: Programmatic information and data on nutrition and funds for research and demonstration in a day care setting.

D. Conditions of Support to Day Care: See Federal Interagency Day Care Requirements.

E. Levels of Support to Day Care: Not researched.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Cooperative State Research Service, Department of Agriculture.

B. Provision for Coordination with Day Care Programs and/or Agencies: See Federal Interagency Day Care Requirements.

I. GENERAL INFORMATION

A. Title of Legislation: SOCIAL SECURITY ACT OF 1935, as amended Title V, 42 U.S.C. Secs. 701-729.

B. Programmatic Title: Maternal and Child Health Services.

C. Date of Enactment: August 14, 1935.

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: The title provides for a wide range of services including maternal and child health grants, maternal and child health research, maternity and infant care, crippled children's services, health care for children, and training of personnel to provide all of the above services.

B. Nature of Application to Day Care: The health services could be used for the health component of a day care program. In addition, day care may be provided for the protection of children whose mothers are working. 42 U.S.C. Sec. 727. Repealed by P.L. 89-97, 79 Stat. 355

C. Nature of Support to Day Care: Grants and training are both provided.

D. Conditions of Support to Day Care: Assistance is limited to children, crippled children, and mothers.

E. Levels of Support to Day Care: Over $130 million was spent on this program in fiscal year 1970. The proportion going to day care and related programs was not determined.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: HEW

B. Provision for Coordination with Day Care Programs and/or Agencies: Not provided.

I. GENERAL INFORMATION

A. Title of Legislation: OLDER AMERICANS ACT OF 1965, as amended, U.S.C. Secs. 3001-3055.

B. Programmatic Title: Programs for Older Americans.

C. Date of Enactment: July 14, 1965.

II. NATURE OF PROGRAM AUTHORIZED

A. Nature of Programs Authorized: The act provides for a wide range of programs and services for older Americans.

B. Nature of Application to Day Care: The programs may include training and employment of staff or volunteers for use as "foster grandparents" or community workers. This involves working with children in an institutional setting -- such as day care.

C. Nature of Support to Day Care: Funds for training and hiring personnel are provided.

D. Conditions of Support to Day Care: Those receiving training or pay must be over 60 and must participate in designated foster grandparent or community programs.

E. Levels of Support to Day Care: Not researched.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Programs: Administration on Aging (AoA), HEW.

B. Provision for Coordination with Day Care Programs and/or Agencies: Programs are to be coordinated with OEO programs. 42 U.S.C. Sec. 2809.

I. GENERAL INFORMATION

A. Title of Legislation: INTERNAL REVENUE CODE, as amended, 26 U.S.C. 214.

B. Programmatic Title: Child Care Deduction.

C. Date of Enactment: August 16, 1954

II. NATURE OF PROGRAM AUTHORIZED

A. General Nature: An income tax deduction for some of the expenses of child care is provided. Sec. 214(a).

B. Nature of Application to Day Care: The availability of the income tax deduction for child care costs will enable more people to purchase it.

C. Nature of Support to Day Care: Purchasers of day care services would be able to deduct some of the cost from their income in determining their tax liability.

D. Conditions of Support to Day Care: The deduction is allowed if the child care is to enable the taxpayer to seek work or be gainfully employed. Sec. 214(a). The maximum deduction is limited to $600 ($900 if two or more children are involved). Sec. 214(b). The taxpayer must be a woman, or must be a man whose wife is incapacitated or if he is widowed, divorced, or separated. Sec. 214(b). The deduction is reduced by the amount that the taxpayer's adjusted gross income exceeds $6,000. Sec. 214(b).

E. Levels of Support to Day Care: No direct appropriations are made, but tax revenues are reduced to the extent that taxpayers utilize the deduction.

III. ADMINISTRATIVE ARRANGEMENTS

A. Agency Administering Program: Internal Revenue Service (IRS).

B. Provisions for Coordination with Day Care Programs and/or Agencies: None.